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# General Assembly

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**26**th plenary meeting
Monday, 9 October 2006, 10 a.m.
New York

*President:* Ms. Al-Khalifa ..... (Bahrain)

*The meeting was called to order at 10.15 a.m.*

**Agenda items 72 and 73**

**Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994**

**Note by the Secretary-General transmitting the eleventh annual report of the International Criminal Tribunal (A/61/265)**

**Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991**

**Note by the Secretary-General transmitting the thirteenth annual report of the International Tribunal (A/61/271)**

**The President**: May I take it that the Assembly takes note of the eleventh annual report of the International Criminal Tribunal for Rwanda?

*It was so decided.*

**The President**: May I take it that the Assembly takes note of the thirteenth annual report of the International Tribunal for the Former Yugoslavia?

*It was so decided.*

**The President**: I now call on Mr. Erik Møse, President of the International Criminal Tribunal for Rwanda.

**Mr. Møse**: It is a great honour to address the members of the General Assembly in order to present the eleventh annual report of the International Criminal Tribunal for Rwanda (ICTR) (see A/61/265).

When the tenth report was presented to the Assembly, one year ago, 25 accused had received judgements. That number has now increased to 31. Of the six new judgements, three were delivered within the period under review, namely, from 1 July 2005 to 30 June 2006. Another three judgements were rendered in September 2006, following trials in the reporting period. One further case is presently at the stage of judgement-writing. To date, judgement has been rendered, or trials are ongoing, in respect of a total of 56 alleged leaders of the events in 1994. Let me briefly mention the six Trial Chamber judgements I have just referred to.

On 13 December 2005, Aloys Simba, who in 1994 was a retired military officer, was unanimously convicted of genocide and crimes against humanity, and sentenced to 25 years' imprisonment. On 13 April 2006, Paul Bisengimana, a *bourgmestre*, was sentenced to 15 years imprisonment, after having pleaded guilty

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to crimes against humanity. On 12 June 2006, Joseph Serugendo was convicted, also following a guilty plea for direct and public incitement to commit genocide and persecution. He was sentenced to six years imprisonment. His terminal illness and poor prognosis were taken into account as a significant mitigating factor. Mr. Serugendo passed away in hospital on 22 August 2006. Mr. Bisengimana and Mr. Serugendo bring the total number of accused who have pleaded guilty before the ICTR to six. It cannot be excluded that that number may increase further.

I shall now turn to the three judgements that were rendered in September. Jean Mpambara, a *bourgmestre*, was acquitted of all charges against him on 12 September 2006. On the same day, Tharcisse Muvunyi, commander of the École sous-officiers, was convicted of genocide, direct and public incitement to commit genocide and crimes against humanity. He was sentenced to 25 years of imprisonment. On 20 September 2006, André Rwamakuba, who was the Rwandan Minister of Primary and Secondary Education, was acquitted of all charges against him. The judgments in the Mpambara and Rwamakuba trials bring the number of acquitted persons at the ICTR to five.

The ICTR Appeals Chamber delivered one appeal judgement in respect of one accused during the period under review. Two further judgements were rendered immediately after the reporting period, in respect of four other accused. The Appeals Chamber also delivered a number of significant interlocutory appeals during the reporting period or immediately thereafter.

Let me turn to the nine trials that are in progress, involving 25 accused. Of those cases, our five multi-accused trials continue to represent our main challenge, because of their volume and complexity and, therefore, the time needed to complete them. It is therefore important to note that three of them are at an advanced stage.

The *Military I* case involves four alleged senior military leaders in the Rwandan Armed Forces in 1994. The trial is scheduled to conclude in 2006. The *Butare* trial is the largest multi-accused case before the Tribunal. It has progressed favourably, with the defence case of the third of the six accused drawing to a close. In the *Government* trial, which involves four Government ministers, the defence case commenced on 1 November 2005, and is progressing well. In the two other multi-accused trials, the Prosecution is presenting its evidence. The *Military II* trial, which involves four accused, is almost at the end of the prosecution case. In the complex *Karemera et al.* case, which also involves four accused, the prosecution case is well under way. The progress made in the Tribunal's multi-accused trials represents significant steps in the implementation of the ICTR completion strategy.

Developments in the single-accused cases have also been encouraging. During the period under review, the ICTR commenced three new trials involving three accused. I have already mentioned the *Mpambara* trial, which started on 19 September 2005 and in which judgement was rendered last month. In the *Karera* trial, which began on 9 January 2006, closing arguments will be heard in November this year. The *Zigiranyirazo* trial started on 3 October 2005, and the defence case will commence soon.

Another welcome development is that, since the submission of the annual report, two new single-accused trials have started. The *Bikindi* and the *Nchamihigo* cases began on 18 and 25 September 2006, respectively. A third new single-accused case is scheduled to commence in November this year.

In addition to the 56 persons with ongoing or completed trials, 12 detainees are awaiting the commencement of their cases. One trial will start in November of this year, and another in January 2007. The remaining cases will commence as soon as trial capacity allows.

On that basis, I am pleased to confirm that the ICTR is on schedule to complete cases involving between 65 and 70 accused by the end of 2008, as envisaged in our completion strategy. In order to achieve that aim, continuity is of the essence. Earlier this year, the ICTR therefore requested that the term of office of the permanent judges be extended to the end of 2008, instead of proceeding with elections. That was supported by the Secretary-General. The ICTR is very grateful to the General Assembly, which on 28 June 2006 endorsed that recommendation.

More recently, the ICTR requested a similar extension of the term of office of the ad litem judges. The purpose is the same: to provide the Tribunal with the continuity, stability and certainty necessary for the efficient and effective planning of trials. In his letter of 2 October 2006 to the President of the General Assembly, the Secretary-General requested

that the Assembly approve the extension of the term of office of all ad litem judges until the end of 2008. Approval is also requested to allow nine of the ad litem judges to serve beyond the three-year cumulative period provided for under article 12 *ter* (2) of the Statute.

The members of the General Assembly may wish to take into consideration that the cumulative three-year period for two of the judges expires on 27 October 2006. Approval of that general request before that date would avert the need to authorize individual judges to continue to serve in trials to which they are currently assigned. Allow me, in that connection, to express our appreciation to the Assembly for having, on 29 August 2006, authorized one of the judges to continue to serve for more than three years in relation to the *Butare* trial.

Another important element of the completion strategy is the Prosecutor's intention to transfer some ICTR indictees to national jurisdictions for trial. Eighteen indictees are at large. The ICTR will not be able to prosecute all those accused by December 2008, should they be found. The Prosecutor is presently focusing on some of them. It is essential that Member States assist and cooperate in the arrest and transfer of accused who remain at large. One particularly well-known indictee is Félicien Kabuga. In view of the ICTR completion strategy, it is important that he be arrested and transferred to Arusha as soon as possible, in order to determine his guilt or innocence.

In order to prevent impunity, Member States are encouraged to be receptive to discussions concerning the possible transfer of some trials to their respective jurisdictions. The Prosecutor has been in contact with several countries. The decision as to whether a transfer shall take place is the responsibility of the Trial Chambers. A decision of principle was made in the *Bagaragaza* case, in which a Trial Chamber and the Appeals Chamber clarified the scope of the jurisdiction required in order for States to prosecute ICTR cases at the national level.

In connection with State cooperation, I would also like to recall that only one of the five acquitted persons has found a country of residence. The other four are under the protection of the Tribunal in Arusha. The situation is particularly serious for André Ntagerura and Emmanuel Bagambiki, who were acquitted by the Trial Chamber on 25 February 2004 — more than two and a half years ago. The Appeals Chamber confirmed their acquittal in July 2006. The Tribunal has, without success, made many attempts to find a country for them. On behalf of the Tribunal, I appeal to Member States to receive acquitted persons in their territories.

During the reporting period, Rwanda continued to cooperate with the ICTR by facilitating the travel of witnesses and by providing documents for use at trial, both for the prosecution and for the defence. It is important that requests in this field be dealt with expeditiously and in a flexible way. The Tribunal expects this cooperation to continue, too, if there should be issues in relation to which there may be differences of opinion between Kigali and Arusha. Some recent problems have been solved.

The Registry has continued to support the judicial process by servicing the other branches of the Tribunal. I refer to the annual report for details, but let me stress the important work done by all sections, including the various units within the Court Management Section, the Witness Protection Section, the Language Services Section, the Defence Counsel Section and the Security Section. Let me further emphasize that the important work of the defence teams is greatly appreciated as a cornerstone in our judicial proceedings.

The ICTR outreach programme, which includes our Information Centre in Kigali, judicial visits to the ICTR and capacity-building for members of the Rwandan judiciary and universities, has continued to grow. An important part of the programme is the training of Rwandan jurists, advocates and human rights practitioners.

I hope that I have conveyed an overview of the activities in a very active Tribunal. This week, about 20 accused will be brought from the detention facilities to our four court rooms every day. The ICTR is working at full speed.

On behalf of the Tribunal, let me conclude by expressing our deep appreciation to the General Assembly and the Secretary-General for their continued support of the ICTR.

**The President**: I call on Mr. Fausto Pocar, President of the International Criminal Tribunal for the Former Yugoslavia.

**Mr. Pocar**: I am greatly honoured to address the Assembly today as President of the International Criminal Tribunal for the Former Yugoslavia and

present to the Assembly the thirteenth annual report of the International Tribunal. This is my first report to the Assembly, as I took office as President on 17 November 2005. Before I highlight key aspects of the report and update the Assembly on some of the work of the Tribunal subsequent to the report, I would like to thank the members of the Assembly for the crucial support they have given to the historic work of the Tribunal since its inception. It is only because of their assistance and ongoing commitment that the Tribunal has been able to have such a fundamental impact upon the development and enforcement of international criminal justice, to advance the rule of law in national jurisdictions in the former Yugoslavia and to contribute to lasting peace and stability in the region.

By way of overview, since the report of my predecessor last October, the Tribunal has gone through a period of significant change and unprecedented challenges. Nevertheless, the Tribunal has pushed forward a number of innovative reforms and adopted concrete measures to increase the efficient disposal of trials and appeals, without sacrificing due process. As a result, at one point this year the Tribunal was able to try, for the first time in its history, an unprecedented number of 25 accused in six simultaneous trials. This is due to the fact that three large, multi-accused trials involving 21 accused — namely, Prlic and others, concerning crimes committed in Bosnia; Milutinovic and others, concerning crimes committed in Kosovo; and Popovic and others concerning crimes committed in Srebrenica — commenced in April and July 2006, at least six months earlier than originally planned, allowing for them to be able to finish in 2008.

Furthermore, the Tribunal's efforts to speed up proceedings have resulted in a caseload that is diminishing at an increasing rate. To date, cases against 97 accused, out of a total of 161 indicted, have been finally closed. While proceedings against 64 accused remain to be completed, of that number, 15 have already been tried and are at the appeals stage, 24 are currently on trial and only 15 are in the pretrial stage. Four are pending Rule 11 bis motions for referral, and the remaining six accused are still at large.

By the end of this year, the Tribunal is scheduled to close proceedings against two more accused with the issuance of two appeals judgements, resulting in a total of eight proceedings being closed on appeal in the calendar year. This marks the most productive year in the history of the Appeals Chamber. In the first quarter of 2007, the Tribunal will finish trials against four accused and close proceedings against four accused on appeal. At the current rate, all trials of accused now in the custody of the Tribunal are scheduled to be completed no later than 2009.

I would like to add, however, that while this projected date for the completion of trials is a noteworthy achievement, the Tribunal is not content to accept that date as final. It is constantly looking for new, creative ways to complete trials even earlier than planned, while upholding due process norms. We intend to work harder than ever to ensure that proceedings against the accused will be completed as soon as possible.

I wish to underline that efficient completion of the work of the Tribunal is not only a matter of meeting completion strategy target dates. It is also a matter of respecting fundamental human rights norms. Because of the increased pace of proceedings over the past year, the rights of the accused to be tried expeditiously, and to not be held in pretrial detention for unduly lengthy periods of time, are respected more effectively.

I now turn to summarize specific aspects of the work of the Tribunal during the reporting period, beginning first with Chambers. The Trial Chambers issued 447 decisions on pretrial motions, heard two cases of contempt and rendered judgments in four cases. The Tribunal's Appeals Chamber rendered 112 pre-appeal decisions and orders, 32 decisions on interlocutory appeals, four judgements and one decision on reconsideration of a judgement. Furthermore, Chambers issued five rule 11 bis referral decisions involving the transfer of nine low- to mid-level accused to national jurisdictions in the region as part of the ongoing policy to focus on the prosecution of the most senior accused. All but one of these decisions were also considered on appeal.

In addition to their caseload, judges of the Tribunal were occupied with a number of extraordinary plenaries, which I convened for the sole purpose of implementing internal reforms for increasing the efficiency of Tribunal proceedings without sacrificing due process. These plenaries were assisted by the reports of two working groups of judges, who were tasked with examining existing practices and the Rules

of Procedure and Evidence with a view to offering concrete proposals for improving them.

The working group on speeding up appeals completed its report and presented a package of recommended amendments to the Rules, which were unanimously adopted by the judges in a plenary held in November 2005. These amendments have resulted in shortening the time limits for the filing of appeals, avoiding repetitious filings and expediting the disposal of appeals by expanding the use of written, as opposed to oral, submissions. Details of these amendments are to be found in report, to which I will refer.

The working group on speeding up trials also completed its comprehensive report detailing measures for increasing the efficiency of the Tribunal's trials. The working group's proposals focused on ways judges can make a fundamental shift in their conduct of trials, away from a party-driven process to a judicially controlled process, with only minimal amendments to the existing Rules. Again, details of these measures are to be found in the Tribunal's fifth completion strategy report to the Security Council (S/2006/353). However, I will highlight some of these significant measures for you.

In April 2006, judges of the Tribunal adopted the recommendations of the working group on pretrial proceedings and, as a result, pretrial judges are playing a much more active role in preparing cases for trial and in ensuring that cases are trial-ready upon the vacancy of courtrooms. In the conduct of pretrial conferences, pretrial judges are insisting on the establishment of workplans that set strict deadlines on the parties' disclosure of material and reaching agreement on facts. The pretrial judges are also requiring the Prosecution to provide greater details on its trial strategy and obliging both parties to file their pretrial briefs and witness and exhibit lists well before the start of their cases.

Furthermore, a new policy has been adopted whereby, wherever possible, cases are assigned at the pretrial stage to a judge who is expected to be one of the judges who will hear the case at trial. As a result, not only are pretrial judges taking increased measures to efficiently prepare a case for trial, but Trial Chambers have also been encouraged to require the Prosecution to focus its case at trial by limiting the presentation of evidence and fixing the number of crimes sites or incidents. The policy of pretrial judges sitting on trial was applied to the two multi-accused cases of Prlic et al. and Milutinovic et al, and resulted in greater efficiency in both.

Following the working group's recommendations for enhancing the efficiency of trials, in addition to pretrial proceedings, the judges of the Tribunal were recently convened in another extraordinary plenary in September 2006 to adopt amendments to the Rules incorporating those proposals. That plenary led to the adoption by the judges of two new provisions, rules 92 ter and 92 quater. In essence, the amendments have increased the ability of Trial Chambers to consider written statements and transcripts of witnesses in lieu of oral testimony, even where that evidence goes to the acts and conducts of an accused. Trial Chambers are now empowered to decide whether a witness should appear for cross-examination where written statements or transcripts have been used, and whether to allow the admission of written evidence of witnesses who are not available to attend as witnesses at the Tribunal.

The judges have also taken action to expedite trial proceedings by placing limits upon the Prosecution's cases, such as by narrowing the breadth and scope of the Prosecutor's indictments. Accordingly, in May 2006, the judges adopted an amendment to rule 73 bis to authorize Trial Chambers to either invite or direct the Prosecutor to select those counts in the indictment on which to proceed. The judges of the Tribunal considered that this rule amendment was necessary in order to ensure respect for an accused's right to a fair and expeditious trial and to prevent unduly lengthy periods of pretrial detention. Moreover, if the Tribunal is to come close to meeting completion strategy targets, it will be necessary for the Prosecution's case to be limited. Regrettably, the Prosecutor strongly opposed this amendment, even though focusing the scope of indictments is part of responsible trial management, is commonly used in national jurisdictions and does not impact upon prosecutorial prerogatives.

Recognizing that it is critical that judges and the Prosecution work together in order to complete the work of the Tribunal, Trial Chambers have worked to build consensus with the Prosecutor by finding other ways to focus her cases, apart from mandatorily directing her to narrow the scope of her indictments. For example, strict time limits have been set for the presentation of the Prosecution's cases in Prlic and Milutinovic, resulting in the reduction of the

anticipated length of trial by at least one third and one half, respectively. In addition, in these cases, as well as in Popovic et al, the Trial Chambers have placed restrictions on the amount of evidence that may be adduced in relation to some of the counts in the indictments.

In the Seselj case, while the Trial Chamber is examining the indictment for purposes of reducing its scope by one third, it has invited the Prosecutor to make proposals for that purpose.

As a final note with regard to the judicial work of the Tribunal during this reporting period, I draw the attention of the Assembly to Security Council resolution 1660 (2006), adopted on 28 February 2006. That resolution allows the Secretary-General to appoint ad litem reserve judges to the three larger trials of multi-accused. These judges are available to replace a judge who is unable to continue sitting on a case and, thus, to prevent the delay that would be caused by having to restart the trial. Moreover, these reserve judges are being assigned to other cases to hear them as ad litem judges proper or to do pretrial work. Their contribution to the efficient work of the Tribunal cannot be overstated.

Let me now turn to the activity of the Office of the Prosecutor over the past year. In accordance with the Tribunal's completion strategy, there were no new indictments — except for contempt of court — issued by the Office of the Prosecutor during the reporting period. The Prosecutor focused her efforts on obtaining cooperation from relevant Governments and international institutions to secure the arrest or surrender of the remaining fugitives. Notably, in the second half of 2005, Milan Lukic, Dragan Zelenovic and Ante Gotovina were arrested and subsequently transferred to the Tribunal.

However, I must emphasize that it is of grave concern to the Tribunal that six high-level fugitives — in particular, Radovan Karadzic and Ratko Mladic — remain at large. The Tribunal must not close its doors before those accused are brought to justice. Otherwise, the Tribunal's message and legacy that the international community will not tolerate serious violations of international humanitarian law will be thwarted.

I stress that the capacity of the Tribunal to complete its mandate in accordance with the target dates of the completion strategy hinges significantly upon the immediate cooperation of all States — specifically those in the region — in apprehending these fugitives to stand trial. Regrettably, the authorities of Serbia have failed to make any progress in locating, arresting and surrendering Ratko Mladic to the International Tribunal, despite a number of promises made and the passing of several deadlines. Likewise, no progress towards locating Radovan Karadzic has been made by the Republika Srpska.

Another issue of great importance to the Tribunal with respect to cooperation with States in the former Yugoslavia concerns the furtherance of the rule of law in national courts in the region. In the reporting period, the Tribunal increased its involvement in the region through working visits and training programmes to enhance the judicial and prosecutorial capacity of national jurisdictions and the profile of the Tribunal's work. I firmly believe that that activity is a key component of the mission and the legacy of the Tribunal. It is these courts that will continue the work of the Tribunal in trying perpetrators of war crimes, crimes against humanity and genocide. Furthermore, it is crucial, for reasons of stability and reconciliation in the region, that these national trials uphold the highest standards of due process such that justice is done and is seen to be done.

I would also note that, at present, development of the rule of law in the former Yugoslavia is also necessary for reasons related to the Tribunal's completion strategy. If fair trials for low- to mid-level accused transferred to the region under Rule 11 bis are not guaranteed, they may be referred back to stand trial before the Tribunal under the Rules.

Last, but certainly not least, the Registry of the International Tribunal continued to play a crucial role at the Tribunal by providing administrative and judicial support. Moreover, the Registry worked successfully to enhance public interest in the Tribunal by carrying out a diverse range of public relations activities in the former Yugoslavia via the Outreach Programme, producing a number of publications in the languages of the region and implementing and participating in conferences, round tables and workshops. The Outreach Programme also brought numerous persons and groups from the region to the seat of the Tribunal, frequently through the support and cooperation of Member States.

The Registry Advisory Section pursued the action plan of the Registrar to obtain 10 more witness-

relocation and enforcement-of-sentence agreements, and assisted cooperation with domestic courts in the former Yugoslavia regarding the transfer of cases. The Advisory Section continued its active work on Tribunal legacy issues, which includes ongoing legal responsibilities and the disposition and management of the Tribunal's archives. It is anticipated that the entirety of the Tribunal's public case law will be available online on the Judicial Database by the end of 2006.

Let me add that the Registry continued to facilitate the rights of defendants through a diverse and competent force of defence counsel, defence assistants and experts. Cooperation and coordination with defence counsel has improved, and the Registry is seeing the benefits of a tightened regime of qualification requirements.

During the reporting period, the United Nations Detention Unit was operating at a high activity level, especially following the deaths of Mr. Milan Babic, a detained witness previously convicted by the ICTY who committed suicide on 5 March 2006, and of Mr. Slobodan Milosevic, who died of natural causes on 11 March 2006. An audit conducted thereafter by representatives of the Swedish Government found the quality of care and security to be generally positive in the Unit, but also made a number of recommendations, which are currently being implemented by a working group of the Tribunal.

In conclusion, the thirteenth annual report to the Assembly demonstrates that, notwithstanding the significant challenges encountered over the past year, the International Tribunal pressed full speed ahead with its judicial and prosecutorial work, resulting in a very productive period in the Tribunal's history. I stress that, as demonstrated by the concrete measures taken during the reporting period, the Tribunal is absolutely committed to doing all within its power to meet its obligations under the completion strategy, while, of course, upholding norms of due process. In looking to the future, the International Tribunal will make every effort to develop additional tools to improve the efficiency of its trial and appeals proceedings. In addition, it will intensify the ongoing efforts to contribute towards the building of judicial and prosecutorial capacity in the former Yugoslavia.

Once again, I emphasize that the noteworthy achievements of the International Tribunal thus far have been possible because of the steadfast support of members of the General Assembly. Through their assistance, the Tribunal has demonstrated to the world that international criminal justice that upholds due-process norms is possible. The existence of the Tribunal and its success in prosecuting war crimes, crimes against humanity and genocide over the past 13 years have sent a clear message that the international community is committed to preventing such crimes from going unpunished. Furthermore, the experience and jurisprudence of the Tribunal have paved the way for the prosecution of serious violations of international humanitarian law in jurisdictions around the globe.

I cannot stress enough how important the Assembly's continued support will be in the last few years of the Tribunal's mandate. We still have much work to do. I call upon all Member States to assist us in our commitment to seeing that work through to the end, which includes the trials of our six remaining high-level accused, and in particular Mladic and Karadzic. That is not only necessary to ensure that the historic work of the Tribunal is not undermined by a premature closing of its doors. More important, it is essential for the cause of international justice and the continued fight against impunity in the interests of promoting international peace and security.

I thank the Assembly for the attention and time it has given me today.

**Ms. Lintonen** (Finland): I have the honour to speak on behalf of the European Union (EU). The acceding countries Bulgaria and Romania, the candidate countries Turkey, Croatia and The former Yugoslav Republic of Macedonia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina and Montenegro, and the European Free Trade Association country Iceland, member of the European Economic Area, as well as Ukraine and Moldova, align themselves with this statement.

Let me express the European Union's continuous and strong support for both ad hoc Tribunals and their important work in ending impunity, thereby contributing to peace as well as fostering reconciliation and strengthening the rule of law in the regions of their respective jurisdictions. While carrying out their mandates to bring justice and effectively prosecute perpetrators of the most severe international crimes,

the Tribunals have decisively contributed to the development of international law and legal practice. The Tribunals have built up extensive jurisprudence in international criminal law, including several ground-breaking precedents.

It has been established in the case law of the International Criminal Tribunal for Rwanda (ICTR) that acts of rape and sexual violence committed with the intent to destroy a protected group can as such constitute genocide. In addition, the line between speech that incites genocide or persecution and speech that is protected by the freedom of expression has been established. The EU commends those developments. However, there is still work to be done before we can close the chapter on these pioneering Tribunals.

The EU wishes to warmly thank the Presidents of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the ICTR, Judges Pocar and Møse, for presenting their respective reports on the work of the Tribunals. The reporting period has been very productive for both Tribunals. The EU is pleased to note the Tribunals' efforts to use their capacity to the fullest. We also note that the Tribunals are making progress on their completion strategies. The EU urges them to continue to make their proceedings even more efficient and expeditious. We recognize, however, that efforts to enhance the administration of justice should never be made at the expense of due process and the rights of the accused and of the victims.

The decisions by the Security Council to allow ICTY ad litem judges to serve as reserve judges, together with the decisions by the Council and the General Assembly to extend the terms of office of the ICTR's permanent judges, were very well reasoned. The European Union also supports the extension of the terms of office of all 18 ad litem judges of the ICTR until the end of 2008, as requested by the President of the Tribunal and endorsed by the Secretary-General in his recent letters to the Presidents of the General Assembly and the Security Council, respectively.

The Tribunals cannot succeed without the firm commitment of States to cooperate with them in accordance with their legal obligations. It is vital that that commitment be strengthened and continued as the Tribunals approach the final stages of their work.

The EU notes with satisfaction the arrest of Mr. Ante Gotovina, in December 2005, and his transfer to The Hague, as well as the transfer of Mr. Dragan Zelenovic to The Hague in June. However, the mandates of the Tribunals will not be fully implemented unless the remaining high-level fugitives — in particular, Radovan Karadzic, Ratko Mladic and Félicien Kabuga — are brought before the ICTY and ICTR, as appropriate. The EU therefore reiterates its strong call upon all Member States to live up to their international obligations by arresting and transferring the accused at large to The Hague or to Arusha without delay. Continuing delays in transfers also puts in jeopardy the timely implementation of the completion strategies.

The international community must not send the message that the perpetrators of the most serious international crimes of genocide, war crimes and crimes against humanity can go unpunished by virtue of the passage of time. Impunity is not an option. The full cooperation of Western Balkan countries with the ICTY is a precondition for rapprochement with the European Union.

Cooperation with the Tribunals goes beyond transfer of the accused. Member States are needed to relocate witnesses and sentenced persons, as well as individuals who have been acquitted. Situations in which witnesses and acquitted persons wait in safe houses for months before being transferred are not acceptable.

More Member States are also needed to accept convicted persons to serve sentences in their prisons, as dozens of cases requiring the enforcement of judgements are still foreseen in respect of the ICTY alone. The EU therefore strongly encourages States to conclude agreements with the Tribunals relating to the relocation of witnesses and to the enforcement of sentences.

The European Union also strongly urges the United Nations Interim Administration Mission in Kosovo (UNMIK) to fully cooperate with the Office of the Prosecutor of the ICTY. It is of the utmost importance that the Organization's own bodies lead the way in this respect.

The EU welcomes the fact that the ICTY is referring an increasing number of cases involving intermediate and lower-ranking accused to competent national jurisdictions, and expresses the hope that the ICTR will soon be in a position to do likewise. The Tribunals should, indeed, according to their mandates, concentrate on prosecuting and adjudicating on senior

leaders most responsible for crimes under the Tribunals' jurisdiction.

The EU agrees that the referrals are important for the successful implementation of the completion strategies, as well as for the legacy of the Tribunals. The EU notes, however, that the trials need to be conducted in full compliance with international standards of due process. The Tribunals will play a vital role in monitoring to ensure that that is the case, and they should be prepared to recall cases if it is not.

The EU is very conscious that a number of legacy issues involving the Tribunals will need to be addressed. We look forward to seeing the proposals of the Secretariat as soon as possible.

The EU welcomes the Tribunals' strengthened outreach activities and their cooperation with local courts, including the provision of training to local judges. The EU encourages the Tribunals to continue their efforts in this respect. The EU takes careful note of the call by the Tribunals for more support from Member States in building the capacity of national judicial institutions. It is money well invested for the international community, as it enables the States in question not only to adjudicate the cases, but to also carry on the legacy of the Tribunals.

**Mr. Adsett** (Canada) (*spoke in French*): I have the honour to speak on behalf of Canada, Australia and New Zealand.

I should like to begin by paying tribute to the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the Former Yugoslavia (ICTY). The establishment of those Tribunals was a milestone in the international community's efforts to replace the culture of impunity, which was the norm for most of the twentieth century, with a culture of accountability for war crimes, crimes against humanity and genocide. Our countries strongly support both Tribunals, and commend them for having completed proceedings against 112 accused to date. That is a historic achievement.

Both Tribunals are in the process of implementing their completion strategies. Canada, Australia and New Zealand will monitor their progress closely. We welcome the steps that both Tribunals have taken in the past year to improve the efficiency of their proceedings, including streamlining their judicial processes and focusing on those who bearing the greatest responsibility for the most serious international crimes.

(*spoke in English*)

The completion strategies of the ICTY and the ICTR depend on the ability of the Tribunals themselves to remain focused on meeting the important deadlines therein and on the arrest by States of indictees who remain at large. The arrest and transfer of these individuals, including Radovan Karadzic, Ratko Mladic and Félicien Kabuga, must remain a top priority for the Tribunals and, indeed, for the international community as a whole. We call on all States, particularly those States where fugitives are believed to be located, substantially to increase their efforts to arrest indictees.

As the ICTY and ICTR continue to wind down their work, there is a clear need for a coordinated and standardized plan of action to address issues that will arise after the physical closure of the Tribunals, such as where appeals may be heard should new evidence be found, the long-term retention and protection of evidence, the execution of outstanding arrest warrants, ongoing witness protection and the secure archiving of case documents. These issues must be dealt with properly in order to secure the legacies of the Tribunals and to ensure the transition of States from conflict to peace.

With a view to prompting strategic thinking on these residual issues, in early 2007 Canada will sponsor a small workshop, which we hope will provide an opportunity for further discussion of these issues among experts.

Canada, Australia and New Zealand will continue to assist the ICTY and the ICTR in carrying out their mandates successfully and in holding accountable those responsible for the worst crimes known to humankind. We call on all States likewise to continue to cooperate with the Tribunals as they move towards completing their mandates. Bringing perpetrators of serious international crimes to justice is an important element of long-term peace and reconciliation in any conflict.

**Mr. Nsengimana** (Rwanda): We would like to thank you, Madam President, for having convened this important meeting of the General Assembly to discuss the reports of the International Criminal Tribunal for Rwanda (ICTR) (A/61/265) and the International

Criminal Tribunal for the Former Yugoslavia (ICTY) (A/61/271).

My delegation wishes to express its thanks to the ICTR President, Judge Erik Møse, for his statement. We wish to commend the Tribunal Chambers, the prosecution and the Registry for their continued hard work and commitment to the successful implementation of the completion strategies in accordance with Security Council resolution 1534 (2004).

The Government of Rwanda believes that, as the time set by the Security Council for the International Criminal Tribunal for Rwanda to complete its work draws closer, it becomes more imperative than ever that its work be conducted with the highest standards of integrity and veracity, as well as with efficiency.

The Government of Rwanda has in the past expressed the serious concern that the ICTR has on its staff, including on defence teams, individuals who are themselves accused of having committed serious crimes during the 1994 genocide in Rwanda. At the end of September, my Government brought it to the attention of the Security Council that 15 such individuals were employed by the ICTR. Ten of those suspects have since resigned. We take this issue very seriously and look forward to the expeditious resolution of this issue by the Tribunal, including by making public the report of the independent investigation on 10 of these suspects and the arrest and prosecution of those suspects.

Rwanda believes that as the Tribunal works towards completing its work in the next two years in accordance with the completion strategy, there are four particular areas where significant progress is most urgent.

The first concerns fugitives still at large. The most serious perpetrators of the genocide, its planners and authors should not be allowed to evade justice. The Tribunal's completion strategy should not be seen as an exit strategy for the obligations of the international community to bring all the suspects of the crime of genocide to trial at the ICTR or in Rwanda. We would welcome appropriate measures that would ensure that all the accused are brought to justice, even after the Tribunal's mandate has expired. My delegation has repeatedly expressed Rwanda's commitment, which I repeat here today, to work with Governments around the world to bring these suspects to justice. We must not allow notorious suspects such as Félicien Kabuga and Augustine Ngirabatware to evade justice. If they do, it would be an extremely sad indictment of us all and would send the wrong signal about the commitment of the international community to prevent genocide by combating impunity. We welcome recent efforts by the Prosecution and the international community to meet with Kenyan authorities to discuss the matter. We look forward to the arrest and transfer for trial of Mr. Kabuga in the near future. We also call upon all States to cooperate with the Tribunal to track, apprehend and transfer indictees still at large.

The second area of concern involves transfer of cases. It is a widely accepted principle that trials, especially for crimes as serious as genocide, should take place as close as possible to where the crimes were committed. We welcomed Prosecutor Jallow's reiteration to the Security Council in June that Rwanda continues to be the major focus for referrals. In this connection, it is our view that the trials targeted for transfer should take place in Rwanda. This would contribute to our own efforts to eradicate the culture of impunity and promote reconciliation in Rwanda, as our people would be first-hand witnesses to justice being done. The Rwanda Government is working with the Tribunal, particularly the prosecution, to prepare for these transfers, including by addressing several legal and procedural issues. We are also addressing the issue of the death penalty.

The Government of Rwanda has made significant progress, despite its limited means, in developing the capacity of the judiciary. We appeal to the international community to support the preparations for the transfer of trials to Rwanda and also to provide financial support for the trials once they begin.

The third area requiring significant progress is the transfer of convicts. The Rwanda Government has consistently stated that all ICTR convicts should serve sentences in Rwanda, where the crimes were committed. Once again, we believe that this is essential for justice and reconciliation processes in Rwanda, which were the main reasons why the ICTR was established in the first place. The initial concern about the administration of sentences in Rwanda was the lack of a detention facility that meets international standards. However, a detention facility was built more than two years ago and was inspected by ICTR officials, who certified that it meets those international standards and signed a memorandum of understanding

to that effect. Despite this, there continues to be delay in effecting transfers. It is unclear to us why this is the case. We, therefore, appeal for these transfers to be carried out expeditiously.

The final area requiring significant progress is the transfer of documents and materials. As we consider the legacy of the Tribunal and its effect on Rwanda, we believe that the completion strategy should incorporate the transfer of all court documents and materials to Rwanda. We believe that as the ICTR completes its work, the United Nations and the international community should establish a genocide prevention and educational centre to serve not only in memory of the Genocide's one million victims but also to serve as a centre of research and learning about lessons learned from the genocide in Rwanda and as a centre to promote justice, reconciliation and human rights.

The Rwanda Government is open to discussions with the United Nations and Member States on how best to take this proposal forward. However, we should be cognizant of the need to act quickly, given the limited time left before the Tribunal completes its work.

We would like to conclude by expressing our profound appreciation to the international community for its continued support of the Tribunal through both assessed and voluntary contributions. As we enter the last leg, we urge you to continue your commitment to ensuring that the Tribunal is adequately resourced to conduct its work efficiently and effectively. We also thank the Tribunal President and Prosecutor and their respective teams for their work in ensuring the implementation of the completion strategy.

**Ms. Skaare** (Norway): Let me start by expressing Norway's continued support and full recognition of the achievements and the high standards of the International Criminal Tribunals for Rwanda and the Former Yugoslavia, as reflected in the Tribunals' well-reasoned judgements and in the annual reports before us in documents A/61/265 and A/61/271 respectively.

We would like to thank the Presidents of the Tribunals, Judges Pocar and Møse for their detailed and informative reports, which reflect the progress made during the period under review.

The Tribunals have made a crucial contribution to international criminal law and developed a jurisprudence that has set standards for national, as well as other international, tribunals. By effectively prosecuting the perpetrators of the most severe international crimes, the Tribunals have not only contributed to justice for victims in Rwanda and the former Yugoslavia, but have also made significant achievements in the fight against impunity for mass atrocities in general.

Norway is pleased to note that both Tribunals are fully committed to meeting the completion strategy targets approved by the Security Council. We commend the measures taken to increase the efficiency of the Tribunals, and we encourage continuing this positive development, while at the same time ensuring that due process and fundamental legal principles are realized.

According to the report of the Rwanda Tribunal, the revised completion strategy that was submitted to the Security Council on 29 May 2006 confirms that the Tribunal is on course to complete trials involving 65 to 70 persons by 2008, depending on progress in present and future cases.

The Rwanda Tribunal has delivered three judgements in major trials during the review period, bringing the total to 22 judgements involving 28 accused since 1997. In addition, trials involving 27 accused are in progress, thus bringing the number of accused whose trials have been completed or are in progress to 55. The Appeals Chamber delivered an appeal judgement during the period under review.

The Yugoslavia Tribunal has continued to operate at full capacity. Six trials have been running simultaneously, and three trials with multiple accused, involving 21 accused persons, commenced earlier than anticipated. We welcome the decision by the Security Council to allow the Yugoslavia Tribunal ad litem judges to serve as reserve judges, as well as the decision by the Council and the General Assembly to extend the term of office for the permanent judges of the Rwanda Tribunal. Furthermore, we support the extension of the terms of office for all 18 ad litem judges of that Tribunal until the end of 2008.

It is critical to the success of both Tribunals that all States are committed to the fulfilment of their mandates and provide concrete and effective cooperation, in accordance with their legal obligations.

We appeal to all States to demonstrate, not only in words, but also in practice, their fullest cooperation with the Tribunals. As the completion of the work of

the Tribunals approaches, unreserved support on the part of States is crucial. It is of the outmost importance that all States honour their financial commitments and pay their assessed contributions on time. Furthermore, Member States must fulfil their obligations to arrest and transfer fugitives to the Tribunals without delay. There can be no doubt that the failure to arrest Radovan Karadic and Ratko Mladic, as well as Félicien Kabuga, who has been indicted by the ICTR, remains a serious concern. We urge the involved States to cooperate fully with the Tribunals. It is not acceptable that perpetrators of serious international crimes are able to avoid legal proceedings. The main mission of the Tribunals can not be fulfilled unless the highest-ranking indictees are brought to justice.

Norway has an agreement regarding enforcement of sentences with the Yugoslavia Tribunal and cooperates closely in several fields with the Rwanda Tribunal. The process is in urgent need of States that are willing to enter into agreements regarding enforcement of judgements. It is unreasonable that, today, only a few Member States shoulder this important responsibility.

We strongly support the Tribunals' external activities and their involvement and cooperation with local judiciaries. All States must honour their international obligation to cooperate, with regard to requests for full and effective assistance to the Tribunals. This applies with regard to witnesses, to giving financial and material support, as well as to providing practical assistance in the enforcement of sentences. All States should prove their commitment to the Tribunals by their active and concrete action.

Norway will stand by its long-term commitment to the successful completion of the missions assigned to the two Tribunals by the Security Council.

**Mrs. Mladineo** (Croatia): Let me begin by welcoming the President of the International Criminal Tribunal for the former Yugoslavia (ICTY) and extending our thanks to him for presenting the thirteenth annual report.

While Croatia associates itself with the statement delivered earlier by Finland on behalf of the European Union (EU), I would like to offer a few further remarks on the ICTY. The report is factual and concise, testifying to the Tribunal's determination to meet its completion strategy targets. We are pleased to note that, under the new President's guidance, the process of internal reform continued along the lines set out in the Tribunal's fifth completion strategy report, thus significantly improving procedural efficiency. The Office of the Prosecutor, on the other hand, opened a new chapter by referring cases to national courts for the first time, two of them to Croatia.

The Tribunal's relevance in ending impunity and advancing the cause of justice remains undisputed. No less important is its role in helping to consolidate a national judiciary in the region to deal with war crimes. Referral of cases under rule 11 bis, which Croatia has long advocated, testifies to the advanced level of stability, confidence, commitment and inter-State cooperation in the administration of justice in war crimes prosecutions.

However, before we can claim that a full circle has been completed and justice properly served, it is imperative to arrest, surrender and try the remaining fugitives. This is the cornerstone of an exit strategy.

Cooperation remains crucial for completing the Tribunal's mandate. The Government of Croatia has made it clear that it takes this responsibility seriously. With the arrest of the accused Ante Gotovina in Spain last year, the last remaining issue in relations with the Tribunal has been resolved. We are pleased that the scope and quality of our cooperation is reflected in the Prosecutor's assessment of Croatia's efficient and professional cooperation.

However, our commitment does not stop at The Hague. We continue to believe that national courts have a critical role to play in de-politicizing war crimes. The establishment of individual criminal responsibility, on all levels and on all sides, is a prerequisite for stability, reconciliation and peace. This can be a challenge. I am pleased to say that a Special War Crimes Court in Croatia is engaged in a number of cases. An increasing number of investigations of crimes have been opened. The level of inter-State cooperation in these matters has also visibly intensified.

Later this morning we will hear the report on the work of the International Criminal Court (ICC). Let me just say that we are proud that this common endeavour, the ICC, continues to consolidate its presence in the international order. It has been rightly observed that the Court is rapidly becoming the centrepiece of the emerging system of international justice. Croatia salutes this shift of focus from ad hoc to permanent and

universal criminal justice. While we continue to support the work of the International Criminal Tribunal for the Former Yugoslavia in pursuing its exit strategy, we believe that a capable national judiciary, complemented by the ICC as our collective consciousness, remains the basis of the rule-based international order.

**Mr. Jevremović** (Serbia): Allow me to express my appreciation and thanks to Judge Fausto Pocar, President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), for his presentation of the ICTY's annual report (A/61/271) to the General Assembly.

The Government of Serbia has expressed its full determination and definite political commitment that all individuals indicted for the most serious violations of international law during the conflicts in the territory of the former Yugoslavia should be brought to justice, either through ICTY proceedings or through the domestic judiciary system. Rather than legal or political, that is first and foremost a moral necessity. In that sense, we hope in particular that cooperation with the Tribunal will bring that process to a successful conclusion.

Between the end of 2004 and today, the Government of the Republic of Serbia has made considerable efforts to apprehend and transfer to The Hague 16 indicted persons. However, some of them voluntarily surrendered themselves to the custody of the Tribunal. Most of those indictees are former high-ranking military and police officers. We consider that that process was carried out in partnership with the ICTY, which ensured the best results. The Government of Serbia is fully committed to continue in the same direction, and to fulfil its remaining international obligations in that respect.

In July of this year, the Government of the Republic of Serbia adopted an action plan for cooperation with the ICTY that will further facilitate that process. In the two months that the plan has been implemented, appropriate institutional mechanisms have been launched for the sole purpose of locating, arresting and transferring the indictee Ratko Mladic and other remaining fugitives. Apart from an obvious political dimension, the whole process is simply a matter of implementing law.

The Government of the Republic of Serbia has on many occasions stated that it is in the interest of Serbia to bring its cooperation with the ICTY to a successful conclusion as soon as possible. As far as the case of indictee Ratko Mladic is concerned, the Government of Serbia has stated that the hiding of Ratko Mladic is an act of dishonesty that challenges the administration of justice and directly threatens the national and State interests of Serbia. I would in particular like to emphasize that the Government of Serbia has done everything in its power to locate Ratko Mladic and transfer him to The Hague. No doubt, there is political will and determination to establish his whereabouts. This matter is therefore one of a technical nature. The individuals who have helped fugitive Mladic to evade arrest are currently under investigation or awaiting trials. In total, 11 suspects have been brought before courts and been sentenced as Mladic's accomplices. Despite those efforts, it has not yet been possible to locate Ratko Mladic. We remain determined to close this case, well aware of the moral and political damage to which Serbia is exposed.

I would like to take this opportunity to bring to the Assembly's attention our readiness to fully cooperate with the ICTY Prosecutor's Office vis-à-vis access to State archives and documents.

The Government of the Republic of Serbia has thus far granted waivers to testify as witnesses to more than 500 persons who are former members of the army, police or Government services. Serbia is providing effective assistance to the Office of the Prosecutor in locating, interviewing and taking testimony from witnesses as well as suspects. We have thus far provided the Office of the Prosecutor several thousand documents, including classified documents from the Supreme Defence Council, the Parliament, the Counter-intelligence Service and the Ministry of the Interior, among others. Furthermore, the National Council for Cooperation with the ICTY has granted general access to the State archives to investigators of the Office of the Prosecutor. The exchange of visits between top Belgrade and Hague officials has also become a regular practice.

The Republic of Serbia welcomes the Tribunal's efforts to expedite its work in order to meet the deadlines and conditions set out in Security Council resolutions 1503 (2003) and 1534 (2004). In that regard, the Republic of Serbia considers tracking down remaining indictees and bringing them to trial in the national jurisdiction to be a complementary process of crucial importance. Trials before the domestic courts

will contribute to the goals for which the ICTY was established, in 1993, as a high-level body of the United Nations.

It is for that reason that the Republic of Serbia reiterates its readiness to have its judicial authorities — including the Special Prosecutor's Office for War Crimes and the Department for War Crimes of the Belgrade District Court — process indicted individuals, including those cases that may be transferred from The Hague. However, despite the positive assessment of judicial proceedings by our domestic courts given by the Tribunal itself and some States, including permanent members of the Security Council, not a single case has thus far been transferred. Let me emphasize again that we firmly believe that mutual cooperation and trust will contribute to the effective administration of justice.

The new penal code of the Republic of Serbia, which was adopted in September 2005, more precisely set out command responsibility for serious violations of humanitarian law during armed conflict. Just recently, the law on witness protection was adopted as well. That legislation will further lay a firm foundation for processing war crimes.

Serbia welcomes the agreement between the Organization for Security and Cooperation in Europe (OSCE) and the ICTY that allows existing OSCE missions to Bosnia and Herzegovina, Croatia, Serbia and Montenegro to monitor the war crimes trials that have been transferred, or will be transferred, from the ICTY to the judiciaries of respective countries.

Prosecutors from Serbia, Montenegro, Croatia and Bosnia and Herzegovina have met several times in Belgrade and elsewhere to discuss further cooperation regarding the prosecution of war crimes. Relevant memorandums of understanding have also been signed.

We are grateful to the OSCE, the United Nations Development Programme, the Council of Europe and various countries for assisting Serbia in amending its criminal legislation to accord with ICTY standards and for training prosecutors and judges to deal with war crimes. We look forward to further cooperation in that field.

Finally, I would like to reiterate the firm position of the Government of Serbia that it will continue to take all steps within its power in order to locate the remaining indicted persons and, if they are hiding in Serbia, to transfer them to The Hague. The Republic of Serbia is resolved that all those who committed war crimes should stand trial, either by the ICTY or by domestic courts. The Government of Serbia shall continue to take all possible steps to fully honour its international commitments and bring its cooperation with the ICTY to a successful conclusion. We believe that the results achieved thus far are the best proof of that.

**Mr. Chokhal** (Nepal): My delegation thanks the Secretary-General for transmitting the reports on the activities of the two Tribunals during the past year. We would like to thank the Presidents of both the Tribunals for their presentations this morning.

Peace, justice and the rule of law are principal goals for humanity. The Security Council established the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) to bring peace and justice to those victims of indiscriminate murder and extermination, which were crimes against humanity. My delegation is confident that both the Tribunals will redouble their efforts to increase the efficiency and efficacy of their proceedings in their Trial Chambers and the Appeals Chamber.

We have noted that in recent years both Tribunals have attached priority to the implementation of the completion strategy as endorsed by the Security Council in its resolution 1503 (2003). A number of measures for developing the judicial capacity of national authorities in the former Yugoslavia and strengthening the ICTY's outreach activities will play an important role in this regard. We note that the Tribunals have undertaken internal and external reforms, action on diplomatic relations and other representation, submission of the ICTY's fifth report on the implementation of its completion strategy (S/2006/353) and judicial activity such as assigning cases to Chambers in a timely manner and the appointment of pre-appeal judges.

All the Tribunal organs, including their Registries and Prosecutors' Offices, should work together with a view to completing the mandates of the Tribunals effectively and efficiently. We consider that the assistance of Member States concerned can play a crucial role in strengthening the capacity of the Tribunals. The Tribunals should scrutinize their practices and procedures in search of ways to ensure

that they fulfil their mandates in the time frame of their completion strategies.

Nepal believes strongly in the principle that there must be no impunity for the most serious crimes of concern to the international community. Both the ICTR and the ICTY were established to hold individuals accountable for such crimes. Peace, justice and the rule of law are inextricably linked. We also believe that both Tribunals are making very important contributions towards reconciliation and peacebuilding in the countries they are serving.

Let me share how Nepal has also dealt with the principle of no impunity at the national level. Nepal is now a multiparty democratic country strictly following the principles of justice, the rule of law, human rights and fundamental freedoms. Following the successful people's movement last April, the Government of Nepal established a high-powered independent commission, under the chairmanship of a former Supreme Court justice, to carry out an investigation into violations of human rights and fundamental freedoms and the atrocities committed against the peaceful democratic movement in our country. The commission is currently working to fulfil its mandates to make recommendations for the necessary prosecution and punishments, bringing to justice the perpetrators of crimes aimed at the suppression of the peaceful people's movement. The Government is fully committed to taking necessary action on the recommendations of the commission. We believe that transitional justice for victims of crimes committed against civilians should be rendered with a view to ensuring lasting peace, stability and reconciliation in the country.

My delegation considers that principle of no impunity should be strictly respected and observed by all, and under all circumstances. The rule of law and justice should form the foundation of a democratic society. The United Nations should encourage and promote these principles in its work, as envisaged in its Charter.

**Mr. Prasad** (India): First of all, I would like to thank the Presidents of both Tribunals for their reports to the General Assembly.

International criminal law has assumed increased prominence with the creation of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and, later, the International Criminal Tribunal for Rwanda (ICTR). These were the first international criminal tribunals established since the Nuremberg and Tokyo tribunals of the Second World War. Because of the manner of their creation, they have faced a great number of political and legal challenges in establishing their legitimacy. In questioning the competence of the Security Council to establish these Tribunals, many legal scholars, after an extensive analysis of the traveaux préparatoires, came to the conclusion that it was not the intention of the drafters of the Charter to endow the Council with such competence. However, some scholars rely on other concepts to justify the attribution of legislative functions to the Council, namely the concepts of implied powers and subsequent practice.

The concept of implied powers is derived from the idea that organizations or their organs must have the power and competence that are necessary or essential for the execution of their functions. In the 1949 advisory opinion on reparation for injuries suffered in the service of the United Nations case, the International Court of Justice found that

> "Under international law, the Organization must be deemed to have those powers which, though not expressly provided in the Charter, are conferred upon it by necessary implication as being essential to the performance of its duties."

That doctrine and Article 29 of the Charter, under which the Security Council can establish subsidiary organs necessary for its functions, is often used in the context of justifying the setting up of the ICTY. That doctrine has also been confirmed by the ICTY in the Tadíc case. However, this ignores the basic legal principle *nemo dat quod non habet*, meaning that one cannot give what one does not have. The Security Council has not been assigned any judicial functions under the Charter; therefore, under Article 29, or under the concept of implied powers, it cannot set up a subsidiary body, entrusting to it functions which the Council itself does not possess. In so doing the Council did not take a legitimate peace-enforcement measure under any article or articles of Chapter VII, notably under Article 41. It took, simply, a lawmaking — not to mention law-determining and law-enforcing — measure which fell outside its functions under Chapter VII or any other provision of the Charter or general international law.

International humanitarian law requires that trials for violations must be scrupulously fair and consistent with contemporary international standards. Therefore, the Tribunals, in bringing to justice those who bear the greatest responsibility for serious violations of international law, must ensure that they provide for the highest standards of fair trial.

The purpose of prosecution is to accomplish at least two goals. The first is to punish the guilty. The second is to promote a range of socially desirable results, including the deterrence of future offences and the fostering of an overall respect for the rule of law. In instances where the cases grow out of profound national traumas, such as civil war or a period of repression, the reassurance of the citizens, the promotion of national, ethnic and political reconciliation, and the fostering of national catharsis are also seen to be critical goals. Although international prosecutions can perhaps achieve the first goal — punishing the guilty — they are often not equipped to deliver on the others. There is a view that when such international prosecutions are undertaken by foreign judicial systems or tribunals with little or no connection to the perpetrators, victims, or offences, they are invariably uncoupled from the political, social and economic context of the affected country.

Further, given the challenges associated with investigating and prosecuting international crimes, the International Tribunals cannot prosecute all perpetrators. Therefore, strengthening national judicial systems to prosecute such crimes is extremely essential. Creating effective and lasting legal and judicial institutions that uphold the rule of law is necessary for the maintenance of peace. Therefore, the international community must continue to strengthen national justice systems by building the local capacity of judicial personnel. That includes the further training and mentoring of the local judiciary, as well as a timetable to gradually introduce local judges and prosecutors into sensitive cases.

According to the reports of the Tribunals, the ICTY has developed a cooperative relationship with neighbouring States and regional institutions, and the ICTR, through its Outreach Programme, has worked on capacity-building by training Rwandan jurists, advocates and human rights practitioners through seminars and workshops aimed at strengthening knowledge of international humanitarian law and criminal law. Those are commendable efforts. In that regard, the establishment of the War Crimes Chamber of the State Court of Bosnia and the transfer of cases to that Chamber by the Yugoslav Tribunal are further steps in the right direction, although the ICTY should have been set up by the General Assembly.

We hope that both the Tribunals will be able to complete their work within the time frames stipulated by the relevant Security Council resolutions.

**Mr. Shinyo** (Japan): I would like to thank the Presidents of the two Tribunals, Judge Erik Møse and Judge Fausto Pocar, for presenting their annual reports to the General Assembly.

Japan understands that both Tribunals have been continuing their efforts to ensure the completion of all trials by the end of 2010. We reiterate our position that both the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) should be strongly encouraged to achieve their completion strategies by exploring all necessary and appropriate measures.

We consider the termination of the Milosevic trial, due to the death of the accused in detention in March this year, to have been an unfortunate event, because his death has made it more difficult for the truth to be established regarding the conflict in the former Yugoslavia and the crimes individually committed by the accused. Japan continues to hope that the ICTY will fulfil the purpose of its establishment: bringing to justice those responsible for serious violations of international humanitarian law.

From that point of view, it is an urgent task to bring about the arrest and extradition of the remaining key fugitives, Radovan Karadzic and Ratko Mladic. We strongly urge all neighbouring States, including Serbia, to make their utmost efforts to that end. Japan also remains concerned that the arrest and extradition to the ICTR of Félicien Kabuga have yet to be accomplished.

We note with appreciation that the multi-accused trials in the ICTY commenced earlier than planned. We are very interested in the further development of those trials. With regard to the request by the Secretary-General for the extension of the terms of office of the 18 ad litem judges of the ICTR, we are ready to support such action in order to facilitate the fulfilment of the completion strategy.

Given the deadline provided in the completion strategies, the time has come for us to focus our

activities on capacity-building and outreach activities at the regional, national and community levels. We believe that the establishment of the rule of law in the States and regions concerned is vital for real justice and confidence in the reconciliation process. With that in mind, Japan, in cooperation with the United Nations Development Programme, has been conducting a project to assist the War Crimes Chamber in Bosnia and Herzegovina by training judicial staff members and providing needed equipment. The training for the judges was recently carried out, and the training session for the prosecutors will be held beginning on 10 October, including training in the use of ICTY evidence in the War Crimes Chamber and access to the ICTY's resources and database. That project also includes awareness-raising programmes to help local people understand that those responsible for the war crimes are being brought to justice.

Given the prospects that Tribunals will complete the first round of trials by the end of 2008, it is now time to give further consideration to the precise scheduling of appeal cases, although we understand that there are a number of unpredictable factors involved. Japan requests that the regular reports of the Tribunals to the Security Council and the General Assembly also address that task.

We strongly hope that the efforts of the international community over the past 10 years will be fully reflected in and integrated into regional, national and community capacities.

**Mr. Rogachev** (Russian Federation) (*spoke in Russian*): We wish to thank the leadership of both Tribunals for their annual reports on the work of their courts and for their statements to the General Assembly.

We take note of the progress made by the International Criminal Court for Rwanda (ICTR) over the past year. We welcome its ongoing efforts to implement the completion strategy, as called for in decisions of the Security Council. During the period under review, the President of the ICTR promptly informed the Secretary-General about the problems that had arisen in the work of the Tribunal with regard to the expiry of judges' mandates. We are pleased to note that the Security Council and the General Assembly swiftly addressed the matter and took appropriate and legally correct decisions based on the items contained in the ICTR's completion strategy. Accelerating the trials and improving the staffing of the Tribunal's support services are also on the agenda.

*Mr. Chidyausiku (Zimbabwe), Vice-President, took the Chair.*

Unfortunately, however, we are unable to provide a similar assessment with regard to the work of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY). That politicized, non-transparent and costly body often finds itself under unremitting criticism from various parties. This year, the reputation of the ICTY generally declined following the deaths of the main indictee, Mr. Milosevic, and of another indictee, Mr. Babic, in the Scheveningen prison.

We note unacceptable bias in judges' decisions. It is unfortunate that the report does not contain a comparative table of the number of those convicted broken down by nationality and the length of prison sentences handed down to indictees of different nationalities for crimes of similar nature and gravity.

We expect the Tribunal to abide strictly by the completion strategy in accordance with the deadlines set by the Security Council. In that regard, we would like to note that the leadership of the Tribunal has recently undertaken some administrative steps to that end. However, we shall deem satisfactory only those decisions and actions by the ICTY's leadership that adhere to the strategy. The ICTY's failure to produce Mr. Mladic, Mr. Karadzic and other indictees cannot be viewed as justification for the unlimited extension of the Tribunal's work.

We welcome the efforts to strengthen the capacities of national criminal justice bodies, which would seamlessly receive litigation materials against individuals who fall under the jurisdiction of the ICTY and the ICTR.

In our view, it is time to begin to look into organizational matters related to the completion of the Tribunals' work: the retention of archives, pensions for judges and so on. We would expect chapters on such matters to be included in subsequent reports of both Tribunals.

**Mr. Muchemi** (Kenya): I wish to express my delegation's gratitude to the President for the able manner in which she continues to conduct the

deliberations of the General Assembly. Allow me also to express our gratitude to both Judge Erik Møse of the International Criminal Tribunal for Rwanda (ICTR) and Judge Fausto Pocar of the International Criminal Tribunal for the Former Yugoslavia (ICTY) for their comprehensive reports this morning on the work of their respective Tribunals.

I should just like to make a few comments with regard to the report on the ICTR (see A/61/265). The ICTR has made significant progress in the implementation of its completion strategy. We recognize that the success of the court in completing its work by the envisaged date of 2008 hinges heavily on the full cooperation of Member States. In that connection, we applaud the recent decision by the Security Council, in its resolution 1684 (2006), to extend the terms of office of the permanent judges to the end of 2008. We urge Member States to consider positively the subsequent requests by the Tribunal to accord similar extensions to the terms of office of ad litem judges.

It is a matter of great concern to my delegation that a large number of indictees — 18 in total — are still at large. While, as pointed out by the President of the Tribunal, it is unlikely that the court will be able to bring all 18 indictees to trial by 2008, that should not slacken our efforts to pursue and arrest indictees who are still at large and to transfer to the Tribunal for the necessary attention.

For its part, the Government of Kenya has been steadfast in its cooperation with the ICTR since its establishment. During and after the Rwanda genocide, many Rwandan nationals fled into Kenya as refugees. It later transpired that some of those refugees had participated in the genocide and had been indicted by the ICTR. Kenya has worked very closely with the Tribunal since its establishment. Indictees found to be in Kenya have been arrested and promptly transferred to the court at Arusha.

However, there have been allegations — and I repeat that they are allegations — that the infamous indictee Félicien Kabuga, who is still at large, has been sighted somewhere in Kenya. The Government of Kenya has taken those allegations very seriously, and is cooperation with ICTR officials in Kenya and in Arusha to try to establish the whereabouts of Mr. Kabuga. As recently as last month, Mr. Hassan Jallow, Prosecutor of the ICTR, together with representatives of 25 diplomatic missions based in Nairobi, met with the Minister for Justice and Constitutional Affairs of Kenya, along with the Assistant Minister for Foreign Affairs, to discuss a strategy for tracing the whereabouts of Mr. Kabuga, and for effecting his arrest and eventual transfer to the Tribunal. A number of steps were agreed upon, including the establishment of a task force to implement the recommendations. We remain hopeful that those joint efforts will bear fruit in the near future, and that Mr. Kabuga will be arrested and brought to justice at Arusha.

**The Acting President**: We have heard the last speaker in the debate on these agenda items.

May I take it that it is the wish of the General Assembly to conclude its consideration of agenda items 72 and 73?

*It was so decided.*

**Agenda item 74**

**Report of the International Criminal Court**

**Note by the Secretary-General (A/61/217)**

**The Acting President**: I now call on Mr. Philippe Kirsch, President of the International Criminal Court.

**Mr. Kirsch**: I am pleased to present the second annual report (A/61/217) of the International Criminal Court (ICC) to the United Nations. In my remarks, I would like to speak about, first, where the Court stands today in its activities, and, secondly, the Court's place within the emerging system of international justice. I will start with the Court today.

Since the report of the Court was submitted, two additional States have joined the Rome Statute. Comoros ratified the Statute on 18 August and Saint Kitts and Nevis acceded to the Statute on 22 August. One hundred and two States have now ratified or acceded to the Rome Statute.

This year marked three years of the Court's operation. The terms of six of the first judges of the Court came to an end. In January, the States parties to the Rome Statute, meeting here in New York, elected six judges. As we enter the next triennium, the Court is moving towards its first trials.

Four situations have been referred to the Court. The Prosecutor is conducting investigations in three of those situations: northern Uganda, the Democratic Republic of the Congo and Darfur, the Sudan. Those investigations are taking place within the framework of a prosecutorial strategy, a new version of which was adopted by the Office of the Prosecutor this year in the light of the Office's experience. The Office of the Prosecutor has the exclusive responsibility to receive and analyse referrals, as well as communications from other sources.

The Pre-Trial Chambers may take certain measures relating to investigations, for example, reviewing the decision of the Prosecutor not to investigate a situation referred by the Court or authorizing an investigation on his own accord. However, the Prosecutor acts independently as a separate organ of the Court in evaluating the available information and deciding whether to open an investigation on his own accord or to request an arrest warrant. As such, the prosecutorial strategy, while harmonized with the Court's strategic plan, reflects the independence of the Office of the Prosecutor.

The first warrants of arrest were issued by the Court in 2005 in the situation in northern Uganda. The Office of the Prosecutor very recently indicated that DNA tests have confirmed that one of the five persons subject to the warrants is deceased. The other four warrants remain outstanding. Judicial proceedings have continued before the Pre-Trial Chamber on issues such as monitoring the status of execution of arrest warrants and the unsealing of confidential documents.

In the situation in the Democratic Republic of the Congo, Mr. Thomas Lubanga Dyilo was surrendered to the Court in March 2006, pursuant to an arrest warrant issued in February. Since Mr. Lubanga's surrender, proceedings have been conducted before the Pre-Trial Chamber on a wide range of issues, including the disclosure of evidence to the defence, the participation of victims in the proceedings and the protection of victims and witnesses. The Pre-Trial Chamber is addressing complex legal provisions of the Rome Statute that are being interpreted in practice for the first time.

One of the significant areas of activity has been balancing the disclosure of evidence necessary for the defence to prepare its case with the need to redact information to protect victims and witnesses. Over 400 documents and more than 5,000 pages of information have been disclosed or made available for inspection by the Prosecutor to the defence. Each page had to be reviewed for redactions necessary, again, to protect the security of witnesses and victims.

Before the case can proceed to trial, the Pre-Trial Chamber must confirm the charges. An initial hearing to confirm the charges was postponed in order to ensure that measures were in place to protect the security of witnesses. The hearing was subsequently postponed a second time out of concern for the rights of the accused and the need for the defence to be adequately prepared for the hearing which is now set for 9 November 2006.

The Court is committed to expeditious proceedings. But proceedings must also ensure the full protection of the rights of the accused and meet the Court's obligations to protect victims and witnesses. This concern is linked to the situation of the Court in the field, to which I shall return shortly.

The first pretrial proceedings have been conducted in the situation in Darfur, the Sudan. They have again dealt with issues such as the security of victims and witnesses. In addition, the Prosecutor has briefed the Security Council that local conditions have made it impossible to investigate in Darfur. Instead, the investigation is taking place in other countries.

In 2006, the Appeals Chamber addressed issues such as the scope of appellate review and decisions on jurisdiction and admissibility. The rulings of the Appeals Chamber constitute the final interpretations of provisions of the Rome Statute on issues that have been subject to litigation before the Pre-Trial Chambers and should result in accelerated proceedings in the future.

In the last year, the Prosecutor announced that two situations which had been analysed had been dismissed. The Prosecutor is analysing five other situations for jurisdiction and admissibility. Two of these situations have been made public — the situation in the Central African Republic, referred by that State party to the Court and the situation in Côte d'Ivoire, a non-State party which has accepted the jurisdiction of the Court.

Turning now to operational aspects, the focus of the Court's activities over the past year was in the field. Security in the field continues to be an

omnipresent concern. The Court is operating in circumstances of ongoing conflict or other potentially volatile situations. The extent of the challenges facing the ICC from that perspective is unlike anything experienced by other courts or tribunals. Our activities must be carried out in such a way as to ensure the safety of staff, victims, witnesses and others at risk. At times, this focus on safety has caused delays in Court activity. Missions to the field have been cancelled at the last moment due to rapidly changing events on the ground. Earlier this year, rising violence forced the temporary closure of the Court's field office in Chad, which is operated in connection with the investigation into Darfur, the Sudan. The Office has since been reopened. Operating in the midst of ongoing conflicts also requires additional precautions such as arranging standby medical evacuation capacity.

The Court maintains substantial fixed presences in the Democratic Republic of Congo, Uganda and Chad. These offices assist the Court in carrying out functions such as witness protection, victims' participation and reparations, and support to defence counsel.

One of the most important of the Court's field activities is outreach to local populations. An integral part of justice is that it is seen to be done. The ICC, its role and its activities must be understood. This is important not only for its own sake, but also for facilitating necessary cooperation. The Court continued to build on its outreach efforts in the situations in northern Uganda and the Democratic Republic of the Congo. Outreach teams are in place in both countries, and staff from The Hague also travel to the field on outreach missions. The Court's outreach included both general awareness-building and programmes targeted specifically to certain groups such as victims, counsel or the media. The situation in Darfur has made outreach more difficult, as the Court is not able to operate within the territory.

Outreach is a necessary tool to ensure that judicial proceedings are understood locally. This can also be accomplished by other means, notably by holding proceedings where crimes were committed. The Rome Statute allows the Court to sit outside The Hague. In the course of the general debate within the General Assembly in this last year, States expressed the wish that the Court carry out, in due course, some proceedings in the field. The decision to do so will have to be taken by the judges in accordance with the Statute and Rules of Procedure and Evidence. But the Court is preparing for future proceedings to be held in the field, subject to acceptable conditions, in particular, security. An estimate of the resources needed to conduct hearings in the field has been included in the 2007 budget. In the longer term, having an appropriate geographical distribution of activities is one of the important objectives in the Court's strategic plan.

(*spoke in French*)

I would now like to talk about Court's role in the emerging system of international justice.

The experience of the last few years has reinforced the importance of cooperation for the ICC. I have already said that five arrest warrants delivered by the Court are still to be executed. The Court does not have the power or the ability to arrest those individuals. That responsibility is incumbent upon States and other actors. Such support is obviously essential. Without arrests, there can be no trials.

States can provide support to the Court in a number of ways. They can provide evidence that they have in their possession or allow the Court easier access to other evidence. The Court's ability to investigate and conduct trials will depend on the quantity and quality of the information that it receives. States can also assist the Court in holding hearings on individuals, search and seizure, identification or the locating of assets.

Furthermore, a number of States have signed agreements relating to the reintegration of witnesses. It is essential that we establish an extensive network of such agreements so as to ensure that witnesses are able to testify without fear of reprisal, bearing in mind their physical and psychological well-being. If the resettlement of such witnesses is to be successful, they must have the opportunity to reintegrate. That is why it is particularly useful to conclude agreements with States making it easier for witnesses to adapt culturally.

The Rome Statute also provides for persons convicted by the Court to serve their sentences in the States that accept them. To date, one State has signed a bilateral agreement with the ICC providing a general framework for serving sentences.

Finally, logistical and operational support would be particularly useful to the Court. In this connection,

France facilitated the transfer of Mr. Labanga by making an aircraft available to the Court.

In addition to States, international and regional organizations are making an important contribution to the work of the Court. The support of the United Nations has been essential in enabling the Court to carry out its activities, in particular in the field. The United Nations peacekeeping Mission in the Democratic Republic of the Congo has provided logistical assistance to the institution, in particular by housing and transporting individuals. The Security Council's sanctions Committee facilitated the transfer of Mr. Labanga to the Court by lifting the travel ban that he was under so that he could be transferred to The Hague.

Effective cooperation between the Court and the United Nations requires the coordination of efforts and the sharing of information. The Court greatly appreciates the opportunity it to give an account of its work each year to the General Assembly. We cooperate regularly with the United Nations and share information with the Organization by other means throughout the year. I am pleased to inform the Assembly that the Court has established a liaison office here in New York to facilitate this cooperation. The head of the office recently took up his post.

Regional organizations can provide the Court with support similar to that provided by States or the United Nations. Support from organizations that are active in the regions where the Court is working is particularly important. A cooperation agreement was signed in April with the European Union, and we hope that we will soon conclude an agreement with the African Union. This summer, the Prosecutor and I participated in a meeting with the African Union Peace and Security Council held at Addis Ababa.

Like some other representatives of the Court, I have also taken part in a number of meetings with the Organization of American States. We are doing our utmost to strengthen those contacts. We have also been in touch with other regional organizations, and we hope to strengthen those ties in the near future. This emerging system of international justice goes beyond cooperation with the ICC, because it encompasses other institutions whose goal is to end impunity.

We must bear in mind that ultimately it is the task of national jurisdictions, first and foremost, to investigate international crimes, as with any other crime, and to prosecute those who committed them. The ICC intervenes only when national jurisdictions do not have either the will or the ability to properly conduct the investigation or the prosecution. In this context, in order to maximize the ability of States to put an end to impunity and to prevent the commission of other crimes, States' resources for combating such crimes should perhaps be increased.

Ad hoc tribunals and other jurisdictions, such as the Special Court for Sierra Leone, have similar objectives to ours. More and more, these international tribunals are assisting each other on a reciprocal basis with a view to carrying out their respective missions. The ICC has made available to the Special Court for Sierra Leone buildings and services in The Hague so that the trial of Charles Taylor can go forward; all expenses must be paid in advance by the Special Court.

The various courts and tribunals regularly exchange information. Last weekend, the Office of the Prosecutor of the ICC and the Office of the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia jointly hosted the third Colloquium of International Prosecutors. The clerks of the various international courts also meet together every year.

(*spoke in English*)

The General Assembly has previously stressed that bringing to justice perpetrators of war crimes and massive violations of human rights and humanitarian law should contribute significantly to prevention. In his recent progress report on the prevention of armed conflict (A/60/891), the Secretary-General observed that the ICC is already having an effect in deterring such crimes. We are now also seeing specific indications from different sources that the ICC is having an impact on situations where it is active. As proceedings progress, the deterrent effect of the ICC should increase over time, as envisioned in the preamble to the Rome Statute.

In paragraph 108 of his report on the work of the Organization (A/61/1) over the past year, the Secretary-General stated that the establishment of the ICC "demonstrated the international community's commitment to a permanent and universal mechanism to ensure that as regards those most serious of crimes, impunity will not be tolerated".

The ICC has done and will continue to do its part in putting an end to impunity by fulfilling its mandate,

as provided for in the Rome Statute. For its part, the international community must see that its fundamental commitment to ending impunity is upheld and must ensure the support and cooperation needed.

**Ms. Lintonen** (Finland): I have the honour to speak on behalf of the European Union (EU). The acceding countries Bulgaria and Romania, the candidate countries Turkey, Croatia and the former Yugoslav Republic of Macedonia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia, and the European Free Trade Association country Iceland, member of the European Economic Area, as well as Ukraine and the Republic of Moldova, align themselves with this statement.

The European Union is firmly committed to ending impunity for the most heinous crimes of concern to the international community. The International Criminal Court (ICC) may well be seen as one of the greatest achievements in the fight against impunity in recent times. The EU reiterates its strong support for the work of the Court.

The importance of the ICC is to be seen in the wider context of international order. The Court is critically placed to contribute to a more peaceful and just world, promoting respect for international humanitarian law, human rights and the rule of law.

The EU remains convinced that peace and criminal accountability are not conflicting goals. Quite the contrary, to us sustainable peace cannot be achieved unless the demands for individual accountability for the most serious international crimes are duly addressed. Any society built on the rule of law has a greater possibility of coming to terms with past abuses.

The ICC plays a significant role in ensuring accountability where national judicial systems have failed or are not willing or able to function. As for deterrence and prevention, the EU views the ICC as an essential instrument for the prevention of genocide, crimes against humanity and war crimes. At the same time, the ICC is an institution for exceptional cases only. The primary responsibility of bringing offenders to justice continues to rest with States. One could also speak on the role of the Court in mainstreaming accountability for the most serious crimes and in strengthening local rule of law, including setting standards on due process.

The EU expresses its appreciation to the President of the ICC, Judge Philippe Kirsch, for presenting the second annual report on the work of the Court. The report clearly demonstrates that this body is a living institution, with the unsealing of the first arrest warrants against five leaders of the Lord's Resistance Army, as well as the first proceedings against an accused. In this respect, the EU welcomes the arrest and surrender of Mr. Lubanga to the ICC by the authorities of the Democratic Republic of the Congo and his subsequent transfer to The Hague. The investigations into the situation in the Sudan, as referred to the ICC by the Security Council, should also be mentioned in this context.

The EU supports the goal of the Court to become the centrepiece of an emerging system of international criminal justice. The EU welcomes the Court's increased cooperation with other international and hybrid tribunals. That is important for sharing experiences, establishing best practices and for ensuring consistent interpretation and application of the law. In particular, we welcome cooperation with the Special Court for Sierra Leone, with a view to facilitate that Court's implementation of its mandate.

Furthermore, the European Union cherishes the deepened cooperation with international organizations, in particular with the United Nations. The United Nations is a critical partner to the ICC in the field, as it may be in a position to provide the Court with evidence or logistical support. We are pleased that the liaison office of the ICC to the United Nations has just been established. The EU wishes to extend its appreciation and heartfelt thanks to the Secretary-General for his valuable support extended to the ICC throughout his term and requests him to make this support even more tangible on the ground.

The EU is pleased to have concluded an agreement with the ICC in April this year on cooperation and assistance, and it encourages other relevant organizations, including the African Union, to formalize their cooperation with the Court.

The European Union is a strong and active advocate for the universality of the ICC, and a dedicated defender of the integrity of the Rome Statute. The EU reiterates its call upon all States that have not yet done so to ratify or accede to the Rome Statute, as well as to the agreement on privileges and immunities of the Court. The EU is willing, within its established

mechanisms, to assist with the ratification process of the Statute or with its implementation.

As the ICC is now truly operational, the effective cooperation and assistance by States, as well as the United Nations and other international and regional organizations extended to the Court has become more important. Bringing the perpetrators of the most serious crimes to justice is not only in the interest of victims and affected communities, but also serves the interests of the international community as a whole.

As the ICC does not have enforcement capacity, assistance is particularly needed for the arrest of suspects, the provision of evidence, the relocation of witnesses and the enforcement of sentences. Under the Rome Statute, it is the States parties that bear responsibility for arresting suspects and delivering them to the Court for prosecution. We call on all concerned to fully extend such cooperation.

The EU welcomes the work done by the Court to develop its strategic plan and urges the Court to continue its consideration and work in this area. The EU also invites the Court to continue the dialogue with the State parties that has now been initiated.

The EU welcomes also the ICC's intensified efforts relating to its outreach activities in the field. Reaching out to societies and people affected by crime is extremely important for the successful discharge of the wider mandate of the Court. The activities of the Court in this respect are particularly important when reaching out to victims who have an internationally unique role under the Rome Statute. The EU looks forward to discussing the Court's strategic plan for outreach at the meeting of the Assembly of States Parties later this year.

Finally, the EU wishes to thank the Liechtenstein Institute on Self-Determination at Princeton University, as well as Ambassador Christian Wenaweser and his staff, for organizing at Princeton last June the third Intersessional Meeting of the Special Working Group on the Crime of Aggression. These meetings have proved to be highly conducive for the preparation of provisions relating to the crime of aggression, the definition of which is of interest to United Nations Members as a whole. The European Union encourages the widest possible participation at the meetings of the Special Working Group, which is open to all Member States of the United Nations.

**Mrs. Ferrari** (Saint Vincent and the Grenadines): I have the honour to speak on behalf of the Member States of the Caribbean Community (CARICOM).

We thank the President of the International Criminal Court (ICC), Judge Philippe Kirsch, for introducing the second annual report of the ICC to the United Nations (A/61/217). CARICOM notes with satisfaction the progress made in the development of the Court into a fully functioning judicial institution. In particular, the report details some significant milestones in the activities of the Court, including the first warrants of arrest for five members of the Lord's Resistance Army (LRA) who are charged with crimes against humanity and war crimes. As the report notes, none of the five LRA members has as yet been arrested, since the Court does not have its own police force and must rely on the cooperation of States.

We call on the Member States concerned to offer full and unconditional cooperation to the Court so that the judicial process may be continued and justice delivered. We commend those States that have cooperated in the arrest and surrender to the Court of Thomas Lubanga Dyilo, who is charged with war crimes, including the enlistment and conscription of children under the age of 16. The Court was thus able to bring its first proceedings against an accused.

It is vitally important for the credibility and international recognition of the Court that it is seen to be functioning appropriately in its role in bringing to justice those responsible for crimes of genocide, war crimes and crimes against humanity, which have caused such great suffering and oppression to the weak and vulnerable populations of the world. Thus, we cannot stress highly enough the need for its judicial officers and other staff to remain highly motivated and committed, and for all States Members of the United Nations to cooperate fully with the Court as it strives to perform its critical role.

At this juncture, CARICOM member States wish to underline the fundamental importance of cooperation of the international community with the Court in order to ensure that the Court successfully fulfils its mandate. As established in the Rome Statute, the principle of complementarity permits the State concerned to exercise the first option to try the persons responsible for the crime within the jurisdiction of the Court. However, when the Court must act, it must be able to rely on Member States, international and

regional organizations, civil society and other actors. It is essential that they provide the necessary cooperation and assistance to the Court in its many tasks, including the provision of evidence, the carrying out of arrest warrants and the surrender of accused persons to the Court, and in the area of the protection and relocation of witnesses. For example, the cooperation provided by the Governments of the Democratic Republic of the Congo, Uganda and Chad has enabled the Office of the Prosecutor to achieve significant progress in its investigations relating to the situations before the Court.

We commend the work of the Office of the Prosecutor, some of which puts the staff of that Office at risk. We are encouraged by the progress made towards bringing to trial the persons responsible for the situations being investigated, and by the Office's contribution to the development of the work of the Court.

In addition, the Court cannot conduct its many functions without the necessary financial resources. We therefore wish to encourage States parties which have not yet done so to pay their assessed contributions to the Court in full and on time.

We view the cooperation agreements entered into by the Court and other actors as progressive steps towards the successful operation of the Court. In this regard, we welcome the agreements signed between the Court and the European Union and the International Committee of the Red Cross (ICRC), and note that the ICRC has already conducted a visit to the Detention Centre. We look forward to the imminent conclusion of the agreements currently being negotiated with the African Union and the Asian-African Legal Consultative Organization and to the benefits which will flow to the Court as a result.

Another important area of cooperation with the Court is the indication by States of their willingness to accept sentenced persons to serve their sentences on their territories. We hope that the agreement concluded between the Court and the Government of Austria for the acceptance of persons sentenced by the Court is the first of many such agreements with States. Therefore, we encourage those States in a position to do so to offer to accept persons sentenced by the Court in accordance with the Statute.

Effective collaboration between the United Nations and the Court is a crucial factor in the Court's success. The Relationship Agreement, signed two years ago by the President of the Court and the Secretary-General of the United Nations on behalf of their respective institutions affirms the independence of the Court while at the same time establishing a framework for cooperation. CARICOM trusts that this collaboration will be forthcoming from all quarters of the United Nations. The Agreement articulates the unique cooperation between these two institutions in their shared goals of maintaining international peace and security and should be fully respected and implemented by both parties.

In this regard, the operational cooperation between the United Nations and the Court rendered by the United Nations Mission in the Democratic Republic of the Congo (MONUC) to the ICC in the Democratic Republic of the Congo relevant to the arrest and surrender of Mr. Lubanga Dyilo, is a positive step in the relationship.

We also welcome the establishment of the New York liaison office of the Court and the recent appointment of the head of that Office. It will further facilitate cooperation between the two institutions under the Relationship Agreement. As the face of the Court in New York, the office will provide States, international and regional organizations, civil society and individuals with a venue for recourse on matters which they believe to be of concern. The office will also facilitate the meetings of the Assembly of States Parties in New York. Similarly, CARICOM strongly supports the holding of meetings of the Assembly in New York in order to ensure wider participation by States parties and observer States, since all States, developed and developing, already have diplomatic representation in New York.

CARICOM warmly welcomes the two most recent States parties to the Rome Statute, one of our own, Saint Kitts and Nevis, as well as the Comoros, thus bringing the number of States parties to 102. We encourage other members of the international community to become States parties, so that the goal of universal ratification may become a reality. We also urge States parties to ratify or accede to the Agreement on Privileges and Immunities of the Court, as well as to enact the necessary implementing legislation for both those important instruments.

CARICOM is pleased that the Trust Fund for Victims is now becoming a reality and commends those

whose hard work and commitment has made this possible. We welcomed the election earlier this year of the new member of the Board of Directors of the Trust Fund, former President of Trinidad and Tobago, Mr. A.N.R. Robinson. We encourage States in a position to do so to contribute to the Fund. The ICC is the first court that recognizes the role of victims by enabling them and their families to seek reparation for genocide and other crimes against humanity.

We commend the work being undertaken by the Court to provide support and assistance to victims, and enable their participation in the proceedings of the Court, as appropriate. It is important that, in so doing, the rights of the defendants enshrined in the Rome Statute are fully respected and upheld.

The outreach activities in which the Court is engaged are far-reaching. We encourage such contact with local communities, especially those affected by the situations under investigation. We believe that spreading the message of the Court through interaction at the grassroots level with, inter alia, local journalists and media, legal associations and non-governmental organizations, is an important tool of the Court for reaching out to victims and informing them of the possibilities for their participation in the process and for reparations.

In closing, CARICOM member States wish to reaffirm our support for and commitment to the ICC. We are aware of the important role of the Court in the international community and the fact that it remains, for some victims of genocide, war crimes and crimes against humanity, the last bastion of hope for justice and compensation. We must strive to protect the integrity of the Court and encourage others to do so, including not only States parties and States concerned, but international and regional organizations as well as non-governmental organizations in such areas as preserving and providing evidence, sharing information and securing the arrest and surrender of persons to the Court. It is the hope of the CARICOM States that this cooperation will be willingly given to enable to Court to fulfil its mandate and meet the complex challenges that lie ahead.

**Organization of work**

*The President in the Chair.*

**The President**: I have received a letter from the President of the Security Council informing me that today the Security Council adopted by acclamation its resolution 1715 (2006), by which it recommends to the General Assembly that Mr. Ban Ki-moon be appointed Secretary-General of the United Nations for a term of office from 1 January 2007 to 31 December 2011. That communication will immediately be sent to all Member States by e-mail or facsimile. The time when the General Assembly will take action on this matter will be announced later.

With regard to agenda item 69, entitled "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance", I have requested Mr. Jean-Marc Hoscheit, Permanent Representative of Luxembourg to the United Nations, to be the coordinator of the informal consultations on draft proposals under agenda item 69 and its sub-items (a) and (d). He has gracefully accepted.

As members will recall, sub-items (b) and (d) of agenda item 69 have been allocated to the Second Committee.

May I request delegations that intend to submit draft resolutions under agenda item 69 to do so as early as possible, in order to allow time, if need be, for negotiations with a view to reaching consensus on the draft resolutions.

*The meeting rose at 1 p.m.*

United Nations A/61/PV.27

General Assembly
Sixty-first session

Official Records

27th plenary meeting
Monday, 9 October 2006, 3 p.m.
New York

*President*: Ms. Al-Khalifa ..... (Bahrain)

*The meeting was called to order at 3.10 p.m.*

**Agenda item 74 (*continued*)**

**Report of the International Criminal Court**

**Note by the Secretary-General (A/61/217)**

**Mr. Maqungo** (South Africa): I have the honour to speak on behalf of the African States parties to the Statute of the International Criminal Court (ICC). We wish to convey our gratitude to the President of the International Criminal Court, Judge Kirsch, for his statement to the General Assembly (see A/61/PV.26). We welcome the note by the Secretary-General transmitting the report of the International Criminal Court (A/61/217), which elucidates developments at the ICC since the Assembly last discussed this item. We take this opportunity to congratulate Saint Kitts and Nevis and the Comoros for their ratification of the Statute of the International Criminal Court and encourage other States to take a stand against impunity by ratifying the Court's Statute.

The 28 African States that have ratified the International Criminal Court Statute continue to be fully supportive of the work of the Court. We, as developing countries, are acutely aware of the importance of strengthening multilateralism and, by extension, multilateral institutions, such as the International Criminal Court, as a means to advance our common goals. The International Criminal Court has already in its short existence proved that it plays an indispensable role in the multilateral arena in ensuring respect for the rule of law and contributing to the end of impunity for the most serious international crimes, such as genocide, crimes against humanity and war crimes. We welcome the cooperation extended by the International Criminal Court to the Special Court for Sierra Leone with regard to the trial of Mr. Charles Taylor. We commit ourselves to continue to ensure that the International Criminal Court has the resources to carry out its responsibility by doing our best to pay our assessed contributions on time and in full and generally to cooperate with the Court.

The horrors of crimes against humanity committed in the former Yugoslavia and in Sierra Leone and the genocide committed in Rwanda brought to the fore the sad fact that sometimes national justice systems are just not enough to deter or prosecute crimes that are of the greatest seriousness to the international community. Therefore, there is a need for the international community to augment those national justice systems when they are unable or unwilling to act.

Consequently, ad hoc tribunals were established to address the need for justice arising from the international crimes committed in the former Yugoslavia, in Rwanda and in Sierra Leone respectively. The establishment of the ad hoc tribunals taught us, however, that their use was limited to enforcing retributive justice and that they did little to deter the commission of crimes.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

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It was a basis of those lessons that the International Criminal Court was then established so that it might serve as both a deterrent and a means of ending impunity. We take this opportunity to again encourage the Court to make the necessary plans for holding hearings in the area where the crimes were committed, as this would enhance the deterrent effect of the courts and justice would thus be seen to be done.

We commend the United Nations, and in particular the Secretary-General, for the support given to the establishment of the International Criminal Court. That support was consistent with the Organization's Charter mandate "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained". The Court continues to be in need of United Nations support. Specifically, the liaison office of the International Criminal Court that is being established in New York continues to need the support of the United Nations. In that light, we request the United Nations to assist the liaison office in its efforts to be established in New York within United Nations Headquarters.

Let us now turn to the vexing debate on the role of the Court in peace processes. To understand the role of the Court, we have to look to the Statute establishing it. In establishing the International Criminal Court, States deliberately chose to make the Court complementary to national justice systems and not concurrent, as was the case with the ad hoc tribunals. Furthermore, States decided that the Court would not be vested with the means to enforce its decisions, but would have to rely upon States for enforcing arrests and imprisonment. The result of that architecture is that the Court is an effective judiciary organ but is operationally very dependent upon the cooperation it receives from States. Thus, the Court and States, in a complementary relationship, constitute the international justice system that is the International Criminal Court.

The report mentions that there are three situations before the Court, namely the Democratic Republic of the Congo, Uganda and Darfur, the Sudan. The International Criminal Court is involved in those areas on the basis of the invitation of the States concerned or on the basis of a referral by the Security Council, and not because it imposed itself on those States. We fully support the response of the International Criminal Court to the legitimate invitations by the Government of the Democratic Republic of the Congo and by the Government of Uganda, which have requested the Court's assistance in ending impunity due to their national systems being unable on their own to investigate and prosecute the international crimes committed in their territories.

Furthermore, by the authority given to it under the International Criminal Court Statute, the Security Council referred a situation to the International Criminal Court, namely, the situation in Darfur, the Sudan, for investigation and prosecution. The Court, in accordance with the Statute binding upon it and its member States, has duly responded to that referral as well. We remain cognizant, however, that, notwithstanding the Court's positive response to those referrals, it will not be able to prosecute anybody until the States concerned deliver the individuals indicted by the Court. Therefore, the Court remains primarily a tool of the States concerned, consistent with the manner in which it was established.

In our scrutiny of the building blocks of the International Criminal Court, it therefore seems to us that the Court itself does not determine the role it plays in a peace process, but rather it is States that determine the role that the Court should play. The Court is a tool of accountability that can be activated by States when they are of the view that accountability is necessary in a given situation. We are, however, mindful that the Prosecutor of the International Criminal Court is, by the terms of the Statute, authorized to initiate investigations on his own motion. We support the approach he has thus far taken to act only upon the referral of States rather than on his own initiative, particularly at this early stage of the Court's existence.

It is thus up to those entities that activated the Court to deactivate it in accordance with its Statute, on the basis of the complementarity rule, at any time when accountability by the ICC is no longer a tool of their preference. We are confident that, consistent with the International Criminal Court Statute, the Court will defer to national justice systems when complementarity is appropriately invoked before the Court.

Let us now turn to the important area of the responsibility of States parties to the Statute of the International Criminal Court and, by extension, the responsibility of the international organizations to which we belong. We take this opportunity, as 28 African States that have ratified the International

Criminal Court Statute, to reiterate the call we made here last year to the African Union to conclude a relationship agreement with the International Criminal Court in the same manner as the United Nations and other intergovernmental organizations have done. The Constitutive Act of the African Union recognizes the need to deal with crimes against humanity, war crimes and genocide; therefore, a cooperation mechanism with the Court would be consistent with the principles of the African Union. Furthermore, we call upon States and private donors to give support to the International Criminal Court Trust Fund for Victims in order to ameliorate the suffering of victims. It will also be necessary, in our efforts to cooperate with the Court, to make a list of the areas in which the International Criminal Court will need cooperation and to establish mechanisms for how we, as States, will extend to the Court such cooperation individually, jointly and through intergovernmental organizations.

We welcome the positive developments emanating from the United States, which has withdrawn the restrictions imposed upon States that have declined to sign so-called article 98 agreements granting immunity to United States nationals and Government employees from the jurisdiction of the International Criminal Court. These developments place all States of goodwill on the correct side of respect for the rule of law, and they open avenues for increased cooperation with the United States in the area of strengthening international and national criminal justice systems.

Finally, we wish to indicate our strong support for the decision by the International Criminal Court Assembly of States Parties to alternate its meetings between The Hague and New York; we appeal to the United Nations to take all available steps to accommodate the sixth Assembly of States Parties of the International Criminal Court at United Nations Headquarters in New York.

**Ms. McIver** (New Zealand): I have the honour to speak today on behalf of Canada and Australia, as well as New Zealand.

The International Criminal Court (ICC) is the product of the international community's clear resolve to ensure that those who commit genocide, crimes against humanity and war crimes are brought to justice. One hundred and two States have now committed themselves to the Rome Statute of the International Criminal Court and to the principle that, for those most serious of crimes, impunity will not be tolerated. Canada, Australia and New Zealand are committed to ensuring that the number of States parties continues to rise.

The Secretary-General said in his report on the work of the Organization that "Justice, especially transitional justice in conflict and post-conflict societies, is a fundamental building block of peace" (A/61/1, para. 109). Our three countries strongly support the principle that justice and peace are intrinsically intertwined. As Members of the United Nations, we must continue to ensure that a fundamental element of our response to conflict situations is the pursuit of justice. The International Criminal Court is recognition of that principle and must continue to be employed by the United Nations to that end.

Canada, Australia and New Zealand welcome progress made by the Court over the past year. In the first successful execution of an International Criminal Court arrest warrant, Thomas Lubanga, a Congolese national accused of war crimes, was arrested and surrendered to the Court in March. This is a significant step.

But, we need to remember that the Court is only an institution. It relies on States and international and regional organizations to assist in the arrest and surrender of accused persons, the provision of evidence, the protection of witnesses and the enforcement of sentences. Five arrest warrants were issued last October against members of the Lord's Resistance Army accused of sexual enslavement and the forced enlistment of child soldiers. None of those warrants have been executed.

The International Criminal Court Office of the Prosecutor has continued to investigate allegations of serious international crimes in Darfur, the Sudan, since the Security Council referral of that situation in March 2005. The challenges of conducting investigations under such difficult security situations are immense.

Canada, Australia and New Zealand will continue to do everything within our power to assist the International Criminal Court to carry out its role in prosecuting those responsible for heinous acts of genocide, crimes against humanity and war crimes.

We call on all States, likewise, to cooperate with the International Criminal Court, directly as well as

through the United Nations, in order to facilitate its contribution to our collective goals of peace, security and justice.

**Mr. Lauber** (Switzerland) (*spoke in French*): Switzerland expresses its gratitude and appreciation to Judge Philippe Kirsch and the entire staff of the International Criminal Court (ICC) for their extraordinary efforts and accomplishments, to which the report just presented by the President of the Court (A/61/217) testifies. We are impressed by the intense level of activity of this still very young Court, by the progress achieved in the three investigations under way and by the ambitious goals the Court has set itself in its strategic plan.

Switzerland welcomes the steady increase in cooperation between the United Nations and its various organs and the International Criminal Court, as described in the Court's report. We are particularly pleased at the Court's having finally established a liaison office in New York, which will facilitate contacts between the Court and United Nations Headquarters. We are pleased to welcome the appointment of Mrs. Socorro Flores as the Court's new representative in New York and promise her our full support.

We are currently seeing the emergence of an international criminal justice system, in which the International Criminal Court has a central role to play. In the early 1990s, the ad hoc tribunals established by the Security Council paved the way for the establishment of a permanent international criminal court. Today, the ICC provides detention facilities and courtroom services and facilities to the Special Court for Sierra Leone for its trial against Mr. Charles Taylor, and the ICC Deputy Prosecutor is currently serving as Commissioner of the International Independent Investigation Commission established pursuant to Security Council resolution 1595 (2005). Switzerland encourages such cooperation between the United Nations and the ICC, which will strengthen the international criminal justice system.

The ICC is an independent court of law and must be respected as such at all times. At the same time, it has to be acknowledged that the purpose and impact of international criminal justice go beyond mere judicial considerations. Ultimately, international criminal justice contributes very significantly to sustainable peace and security. The three situations currently under investigation by the Office of the Prosecutor clearly illustrate this. They were referred to the ICC by the States concerned or by the Security Council at a time when conflicts surrounding the alleged crimes were ongoing and with the expectation that the ICC's involvement would deter future crimes and be conducive to containing or even ending those conflicts. In all three situations, there are clear indications that those expectations are being or will be met, provided that the Court receives the necessary cooperation and support from the parties involved and as long as we stand by the principles of the Rome Statute, even when its implementation faces challenges we did not foreseen at the time of its adoption.

The United Nations has recognized the role of international criminal justice as an instrument of deterrence against genocide, crimes against humanity and war crimes and as a contributor to sustainable peace and security on several occasions: in the former Yugoslavia, Rwanda, Cambodia, Sierra Leone, the Sudan and Lebanon, to name just a few. Switzerland strongly encourages the relevant bodies, programmes, funds and offices of the United Nations as well as Member States to continue along this road. The role of international criminal justice, and in particular of the International Criminal Court, must be put to its best use when conflict prevention and mediation strategies are developed, when peacekeeping operations are established and prepared, and when peacebuilding and post-conflict reconstruction are addressed.

In addition, the conceptual recognition of international criminal justice must be followed by concrete cooperation and support on the ground. The International Criminal Court, and indeed international criminal justice as such, will be unable to fulfil its potential without the strong support and cooperation of States, international and regional organizations and civil society, in particular in relation to the arrest and extradition of accused persons, the provision of evidence and the enforcement of sentences. In this regard, the United Nations has a special responsibility as there is no other organization with a comparable level of field presence and experience.

Finally, the purposes and principles of the Rome Statute of the International Criminal Court very much reflect those of the Charter of the United Nations and are thus universal. Switzerland, therefore, calls on all States which have not yet done so to accede to the Rome Statute as soon as possible.

**Mr. Wenaweser** (Liechtenstein): I would like to thank the President of the International Criminal Court (ICC), Mr. Philippe Kirsch, for presenting the second report of the Court (A/61/217) to the General Assembly. We note with great satisfaction the progress made in the work of the Court over the past year. The importance of these developments cannot be overstated, keeping in mind that the ICC is a recently established institution aimed at promoting justice on a permanent basis.

The entry into force of the Rome Statute and the establishment of the Court have clearly begun to have an impact far beyond the cases with which the Court is dealing. States have adapted their legislation dealing with the most serious crimes of concern to the international community. The Court is spearheading international efforts to end impunity, and the commitment of the international community as expressed in the Rome Statute has led to the creation of special tribunals and other mechanisms dealing with past crimes.

In a number of situations, initial investigations by the Prosecutor have sent a clear message to past and potential future perpetrators in other parts of the world. Even if their own countries might not be able to bring them to justice, the International Criminal Court can do so. The system of justice established by the Rome Statute is contributing to deterrence worldwide, and this effect will be continuously strengthened through the future work of the Court and the publication of its results.

The rule of law requires that courts be able to exercise their functions independently, and the Rome Statute upholds that principle through various safeguards. I would like to refrain from commenting on any decisions or actions taken by the Court's organs in current cases, but we note that the Court has fully lived up to the expectation of an impartial and independent judiciary. There is no doubt that the ICC is committed to promoting justice in accordance with the Rome Statute and the United Nations Charter and that the Court is beyond any suspicion of politicization.

While being an independent institution, however, the Court cannot act alone and in a vacuum. We take note of the strong emphasis placed by its President on the need for cooperation. Such cooperation can take many forms and must come both from Member States and from the United Nations system, in particular from the field operations it has established. In this respect, we welcome the establishment of the Court's liaison office in New York, which will help promote cooperation between these two organizations. We call on the Secretary-General to ensure that the Relationship Agreement with the Court is implemented to the fullest extent possible.

The preamble of the Rome Statute reaffirms the purposes and principles of the United Nations Charter. The first such purpose under Article 1 of the Charter is to maintain international peace and security. The ICC was designed as an institution that promotes and delivers justice, based on the principle of complementarity, and that thereby contributing to peace. Justice and peace are not mutually exclusive goals; quite the opposite.

The real peace-versus-justice dilemma was the fact that before the establishment of the International Criminal Court there was no permanent international institution that could deliver justice for the worst crimes. Because of that glaring gap in the system of international institutions, impunity was a reality and amnesty a bargaining option for those responsible for crimes. The establishment of the ICC represents a paradigm shift that over the course of time effectively will deprive those responsible for the worst crimes of the opportunity to demand amnesties, simply because their counterparts in negotiations will not be able to effectively guarantee impunity. Negotiations and deals with those responsible for such crimes will thus have to rely on elements and incentives other than permanent impunity. In the long run, eradicating impunity will contribute to sustainable peace in particular post-conflict situations, and also to deterrence worldwide. Note should be taken, nevertheless, that the Statute adopted at Rome allows certain flexibility in investigations, in particular in the light of the interests of victims and the interests of justice. Such flexibility is, however, not subject to negotiation with criminals.

Liechtenstein has supported the Court from the beginning and will continue to do so wherever possible. We have ratified both the Rome Statute and the Agreement on Privileges and Immunities of the Court, and we have adopted the necessary implementing legislation.

In the context of the Assembly of States Parties, one important priority for us is work on the definition of the crime of aggression, on which the Special

Working Group strives to elaborate concrete proposals by 2008 for consideration by a Statute review conference. Much progress was made on this topic in the previous inter-sessional meeting, held at the Princeton University's Liechtenstein Institute on Self-Determination, and we look forward to continuing our discussions on this issue, which is open not only to States parties to the Rome Statute but also to all States that have signed the Final Act of the Rome Conference.

Finally, we would like to invite all States that are not yet parties to the Rome Statute to continue to evaluate the work of the Court. We are confident that doing so will encourage them to join the majority of Member States who decided to be part of this historic enterprise.

**Mr. Gómez-Robledo** (Mexico) (*spoke in Spanish*): The delegation of Mexico wishes to express its sincere appreciation to the President of the International Criminal Court (ICC), Judge Philippe Kirsch, for the comprehensive report that he has presented to the General Assembly (A/61/217), in accordance with the Relationship Agreement between the United Nations and the Court. There are now 100 States parties to the Rome Statute, and on 1 November 2006, the Statute will have two additional States parties. The Government of Mexico wishes to congratulate the Comoros and Saint Kitts and Nevis for recently depositing their instruments of ratification — additional steps towards the universality of the Statute. From its own experience, Mexico fully understands the difficulties involved in the ratification of a treaty that has such a powerful effect on the domestic criminal justice system and that requires complex legislative reforms, including at the constitutional level. States parties and civil society organizations have joined to provide technical support to whomever might need it that will allow signatories to adapt their legislation. The advantages derived from belonging to the ICC are greater than the doubts that an instrument of this type still raises in some countries.

The International Criminal Court is fully operational. This is clear, as stated in the annual report, with the surrender of the first person arrested by virtue of an order of the Court in March 2006 and with the initiation of preliminary proceeding and appeals in advance of the trials that will soon begin. We have made due note of the investigations being made by the Prosecutor in the Democratic Republic of the Congo, Uganda and in Darfur, the Sudan, and the analysis being carried out concerning cases in the Central African Republic and Côte d'Ivoire as a result of a declaration of acceptance of the Court's jurisdiction.

In accordance with the Statute, the Court is hearing three cases referred by States and one referred by the Security Council and is analysing communications in order to determine whether to begin investigations in other cases. In each case, the Court has shown that it is moving forward, and we trust that it will continue to do so within its proper jurisdiction. In these cases, the required infrastructure has been created to guarantee the full participation of victims and the protection of the rights of the defence through the Office of Public Counsel for Victims and the preparation of measures to guarantee the security of victims, witnesses and other persons at risk because of investigations carried out by the Court.

But the Court is facing enormous challenges at this stage of its development as an institution. Allow me to discuss three basic aspects of the Court's future work: international cooperation, selection criteria, and the interests of justice.

A basic pillar of the Court's work is based on international cooperation, as is stated in the summary of its report:

> "... the Court relied on cooperation from States, the United Nations, other international organizations and civil society. The Court does not have its own police force to carry out its decisions or orders. It needs the assistance of others in, inter alia, gathering evidence, providing logistical support to operations in the field, relocating witnesses, arresting and surrendering persons and enforcing the sentences of the convicted."

States parties have a basic obligation to cooperate in the investigation and prosecution of crimes within the Court's jurisdiction. The Statute must be complied with in good faith and in accordance with the principle of *pacta sunt servanda*. Without this basic cooperation, the Court would be prevented from carrying out its mandate. Because of the very nature of the investigations, States whose situations have been referred to the Court have an immediate obligation to cooperate with it. But the complexity of the Court's work — efficiently carrying out investigations, gathering evidence, properly caring for victims and implementing sentences — also creates an obligation

for the rest of the international community. In that respect, dialogue between the Court and States parties must focus more clearly on identifying expectations of cooperation in all its ramifications.

The situation in Darfur has made clear the role that the United Nations can play in carrying out the Court's mandate. Although the Court has signed a memorandum of understanding with the United Nations Organization Mission in the Democratic Republic of the Congo, there is still a need to increase cooperation with other United Nations agencies, organizations and offices. The Relationship Agreement between the ICC and the United Nations provides a legal framework for developing greater and more effective cooperation. We have only to think about the operational capacity of the United Nations through its peacekeeping operations to provide the Court field support where there are difficult logistic conditions.

Here, the Security Council has a special responsibility to fulfil. For example, the ongoing situation in Darfur creates an obligation to logistically support the Court in the investigation of crimes committed there, without affecting its impartiality. In addition, the Security Council has the authority to empower peacekeeping operations deployed to places where there are cases under investigation by the Court with a mandate necessary to support it in the development of its work.

In short, the Court is already an important component of the international peace and security system. That is why we welcome the decision of the Assembly of States Parties to open a liaison office in New York which will serve to creatively develop cooperation with the United Nations. The office should be provided with the necessary means to carry out its mission. On the one hand, the Assembly of States Parties should consider granting the required financial resources in order to effectively develop its mandate. On the other, the Relationship Agreement with the United Nations creates obligations on the part of the United Nations to enable the office to open properly in New York. An important step has been the appointment of the head of the office, Mrs. Socorro Flores, a prominent Mexican legal authority, but the Organization and the States parties must make an additional effort so that the office can operate properly.

Allow me to refer to another aspect of importance to the future of the Court that is related to the selection criteria of the Office of the Prosecutor to initiate an investigation.

The Court has limited resources at its disposal. It would be physically impossible to launch an investigation of every case of which the Prosecutor is made aware. We must not forget that the Court works on the basis of complementarity. It is therefore up to States parties to initiate and carry out prosecutions of those responsible for committing on their territory some of the crimes covered under the Statute. The prosecution strategy recently put forth by the Prosecutor sets out the parameters within which his Office should operate. As the Prosecutor has himself stated,

> "intervention by the Office must be exceptional — it will only step in when States fail to conduct investigations and prosecutions, or where they purport to do so but in reality are unwilling or unable to genuinely carry out proceedings".

In that regard, we agree with the Office of the Prosecutor that complementarity must be viewed as a positive approach to encourage proceedings where possible, rely on national and international networks and to participate in a system of international cooperation. The Court's very existence and its full operation are in themselves incentives for States to prevent the commission of crimes in their territories and to act immediately when crimes do occur.

In recent months, we have spoken about what is known as the dilemma between peace and justice in order to describe a situation in which political actors would have to choose between investigating and punishing those responsible for crimes covered by the Statute, on the one hand, and a political solution to the situation that led to those crimes, on the other. For a court of law such as the International Criminal Court, justice cannot be subordinate to political negotiation. There is therefore no such dilemma, as one cannot even countenance the denial of justice. We must be clear about the fact that every institution has a role to play: the political and the judicial each have their part.

We therefore believe that the Prosecutor made the correct decision in investigating the situation in northern Uganda and carrying out prosecutions in a manner that did not affect the role that could be played by other actors. There is no doubt that efforts to establish lasting stability require harmonizing the

efforts of the Prosecutor with national and international initiatives to restore peace. The Court is a central to peace. We are convinced that the launching of an investigation itself can, and must, have a positive impact on the political scene.

We have come a long way, but the Court still has great challenges to face. The complete determination of the international community to combat impunity will help us to confront those challenges with creativity. The Court can count on Mexico's full support in its great undertaking.

**Mr. Riofrío** (Ecuador) (*spoke in Spanish*): My delegation would like to thank the President of the International Criminal Court (ICC) for his introduction of the Court's second annual report (A/61/217).

The past year has been an especially important one for the Court's work as regards the progress made in both investigations and pre-trial proceedings. Despite being a young institution, the Court has unambiguously demonstrated that, thanks to its independence and impartiality, it can become a dynamic factor in peacebuilding.

However, the strenuous efforts made to make progress in judicial proceedings have had to contend with the painful reality that arrest warrants, which are the only way to ensure the holding of a trial and, ultimately, the end of impunity, have not been carried out. My delegation agrees with the report that it is crucial to strengthen the cooperation of States and international organizations to ensure that arrests, the provision of evidence and the relocation of witnesses, among other things, are carried out in an effective, transparent and timely manner. It is essential that States be willing to facilitate the holding of trials. Given the situation in which the Court currently finds itself, we should perhaps consider what measures are necessary to effectively implement the Statute's provisions regarding cooperation in the absence of such willingness.

Ecuador would like to reaffirm its respect for the universal principles of justice enshrined in the Statute, as well as its ongoing commitment to the ICC. In that connection, on 19 April 2006, my country deposited its instrument of ratification on the Agreement on Privileges and Immunities of the International Criminal Court. We have also made progress at the national level as regards the implementation of the Statute, including by promoting the necessary legislative reforms.

On the initiative of civil society and through the coordination provided by various State institutions, a draft law on crimes against humanity, which defines the crimes covered by the Statute, was submitted to Ecuador's National Congress for approval. The bill also provides for standards that will make it possible to comply with the principle of complementarity and the obligation to cooperate with the International Criminal Court.

Ecuador firmly believes in the need to protect the integrity of the Rome Statute. We are convinced that the best way to do that is by achieving universal ratification. On behalf of my country, I should like to congratulate the Governments of Saint Kitts and Nevis and the Comoros on their decision to ratify the Statute.

In conclusion, Ecuador would like to launch an appeal to support the ICC and its work, which represents the best instrument to combat impunity and ascribe responsibility for crimes against humanity.

I cannot fail to close without expressing the Government of Ecuador's pleasure at the setting up of the Court's office in New York, to which we extend our full support.

**Mr. Mayoral** (Argentina) (*spoke in Spanish*): On behalf of the Argentine Government, I should like to welcome the presence in New York of Judge Philippe Kirsch, President of the International Criminal Court (ICC), which provides an opportunity for the General Assembly to welcome him and to receive the Court's second annual report (A/61/217) on its work. His leadership of that unique juridical body during the initial stages of the Court's existence has been, and continues to be, of fundamental importance. I ask that you, Madam President, convey to President Kirsch the full support of my Government and of my country's civil society.

The last century witnessed the worst atrocities of the modern age — acts of genocide, mass killing and ethnic cleansing that did permanent damage to humankind's collective psyche. The United Nations and the ICC have in large part been the result of the international community's reckoning with those tragedies. Both of those international institutions will continue to have a crucial role to play in the new century in ensuring that crimes against humanity are not repeated. All States parties, but also those that are not, must cooperate in order to strengthen the Court and ensure its independence and success.

Last June, the Security Council considered the issue of the rule of law and its role in the maintenance of international peace and security (see S/PV.5474). During that debate, Argentina emphasized the crucial importance of the links between peace, justice and human rights and the role of the Court in completely eliminating impunity.

Supporting the Court means contributing to progress towards an international system of justice that exposes impunity and prevents crime. We are especially optimistic about Court's overall dissuasive role in armed conflicts and internal situations.

We continue to follow with great attention the development of the process of investigation in the Democratic Republic of the Congo, Uganda and Darfur. We would highlight the transfer to The Hague of Mr. Thomas Lubanga, which was possible thanks to the support of the Security Council and its resolution 1533 (2004). We also take note of the steps being taken in preparation for his trial.

With regard to arrest warrants issued against leaders of the Lord's Resistance Army in Uganda, we believe that the international community, and especially mediators providing assistance in the Juba process, must seek innovative solutions that harmonize traditional reconciliation systems used by the local population with the inviolable imperatives of international law. Peace cannot be attained at the cost of justice. The authorities of the Sudan, Uganda and the Democratic Republic of the Congo must fully cooperate to arrest persons against whom arrest warrants have been issued.

With regard to crimes committed in the Sudan's Darfur region, we reiterate the obligation of all States and organizations under Security Council resolution 1593 (2005) to provide information and logistical support to the Court as it carries out its work. States and organizations should also, among other things, contribute to providing protection to victims and witnesses and adopt all the necessary measures to preserve evidence. We therefore once again call upon the Government of the Sudan to enable the investigation to take place and to ensure the safety of witnesses.

We would also like to acknowledge the cooperation between the Court and the Special Court for Sierra Leone, which was facilitated by the cooperation provided by the Security Council in its resolution 1688 (2006), which allowed for the transfer and future trial at The Hague of Mr. Charles Taylor and the provision of detention facilities and hearing rooms for his trial.

We would like to express our gratitude and support for our countryman Prosecutor Luis Moreno Ocampo, as well as his team, in particular for their efficiency and dedication to both ongoing investigations and the substantive work being done to evaluate other potential cases. We all know their work is very complex and politically sensitive.

In another area, we would like to acknowledge the important work of the United Nations Organization Mission in the Democratic Republic of the Congo. We hope that work will continue to be carried out efficiently. We call upon the Governments of the Sudan and Chad to continue to cooperate fully with the Prosecutor's ongoing investigations.

We are also interested in studying the conclusions of the third colloquium of international prosecutors, which took place last week in The Hague. We congratulate the Court and the Prosecutor's Office for that initiative to promote dialogue and cooperation in order to continue to make progress towards a universal system of justice.

Cooperation with the Court should take place in the capitals of Member States, in New York and at The Hague. There must also be cooperation on the ground, where the Courts decisions must be carried out, evidence gathered and logistical support provided, as well as where personnel, victims, witnesses and those on trial must be protected. In that connection, the United Nations must continue to play a constructive role while utilizing its experience in the areas of police and security.

My country, Argentina, was very interested to note the recent publication of the International Criminal Court's strategic plan, which will be taken up at the fifth Assembly of States Parties next November. We believe that the plan, which is now being finalized, is an important basis for strategic consideration of the Court's future work. We are in principle in agreement with the objectives and goals set out in the plan.

In conclusion, we would once again like to urge States that have not signed or ratified the Rome Statute to do so as soon as possible. We call upon all States to detain and surrender accused in order that they can be

tried. We urge the General Assembly and the Security Council to continue to support the International Criminal Court. I should like to say once again that the international community and the cause of international peace and security need an efficient Criminal Court with universal jurisdiction and competence that can achieve the great purposes for which it was established.

**Mr. Samy** (Egypt) (*spoke in Arabic*): At the outset, I would like to thank the Presidents of the International Criminal Tribunal for Rwanda (ICTR), the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Court for their reports to the General Assembly, which shed light on the evolution of the principles of international criminal law in combating heinous crimes against humanity. In that regard, Egypt would like to emphasize the important role of the international criminal tribunals in guaranteeing the rule of law, especially as regards international humanitarian law. Doing so is important to maintaining international peace and security. The role of international tribunals is complementary to that of national legal systems, which are the competent authorities to bring to justice those who commit such crimes. Prosecuting such persons is part of a State's responsibility in ensuring peace and security for its citizens and in guaranteeing domestic stability.

In that regard, Egypt would like to reaffirm that international tribunals should continue on the path of neutrality as they carry out their work, namely, by adopting a basic approach that underscores the judicial nature of their work and emphasizes the non-political character of their undertakings. That would provide assurances as to their neutrality and independence and provide the tribunals an opportunity to carry out their legal and moral role.

With regard to the nature of the crimes dealt with by the tribunals — whether they are war crimes or genocide or other crimes against humanity — the tribunals should be encouraged to prosecute all accused of committing such crimes and to ensure that no one enjoys impunity, in particular persons responsible for issuing and carrying out orders during armed conflict or against people under occupation.

With regard to the International Criminal Court, Egypt appreciates the Court's efforts to prepare the first version of a strategic plan outlining a general framework for its work over the next 10 years.

The delegation of Egypt would like to reaffirm the importance of intensifying the Court's current efforts to arrive at a definition of the crime of aggression, especially as current international circumstances and developments point to the importance of reaching such a definition to punish criminals who commit such heinous crimes.

Egypt would also like to reaffirm the importance of not politicizing the work of the Court, as well as the need to avoid selectivity in bringing cases before the Court, in accordance with the legal principle that all are equal before the law. We therefore request that the Court and the Security Council bring before the Court all those accused of committing war crimes and crimes against humanity without discrimination based on political considerations.

We would also like to reaffirm the principle of transparency and the importance of refraining from resorting to secret lists of names of accused, as justice is based on transparency and accountability. In that regard, investigative and evidence-gathering procedures need to be reconsidered, especially investigative procedures pertaining to crimes and the provision of strong material evidence so as to ensure that identical actions are taken in dealing with identical crimes defined in the Statute of the Court. There should be no rush to characterize facts on the basis of incomplete testimony or by relying on a cursory examination of the facts without taking into consideration the full legal considerations.

Egypt reaffirms its support for the role and activities of the International Criminal Tribunal for Rwanda (ICTR), especially activities aimed at training legal personnel from Rwanda and other African countries in order to enhance the national capacity of countries to guarantee the rule of law and protect their citizens. This is a main pillar in establishing the security and stability necessary for development and progress on our continent, Africa. In order to enhance the capacity of the Tribunal to carry out its tasks, the Government of Egypt has made an important financial contribution to the Tribunal's voluntary contribution fund, and we will continue to do so.

Moreover, Egypt held a symposium in 2005 to commemorate the tenth anniversary of the massacres in Rwanda. Mr. Adama Dieng, Registrar of the International Criminal Tribunal for Rwanda, participated in that event. The goal of the symposium

was to remind everyone of those crimes against humanity and the resultant suffering of the Rwandan people, in order to draw lessons from the Rwandan experience as a whole, and to support the role of the Court. That should be a deterrent to anyone who may attempt to commit such horrendous crimes.

With regard to the International Criminal Tribunal for the Former Yugoslavia, we continue to be disappointed by the fact that several leaders who committed the most horrifying of crimes against humanity have not been brought to justice before the Tribunal and remain at large. In that connection, Egypt reaffirms the importance of cooperation with the Tribunal by all parties in the territory of the former Yugoslavia, whether in connection with the gathering of evidence or arresting and trying those accused of committing crimes against innocent people. History will not forgive such crimes. Prosecuting the accused will contribute to justice and national conciliation in that region.

In that regard, the Government of Egypt welcomes the cooperation of Serbia and Montenegro with the Tribunal during the last reporting period. We encourage them to continue to cooperate so that the Tribunal can overcome the difficulties it faces in carrying out its mandate in the timeframe specified.

At the outset of my statement I referred to the importance of non-selectivity in referring cases to international courts and to the importance of not politicizing their work. We should soon see fair trials for those accused of committing crimes against humanity in the occupied Arab territories of Palestine and Lebanon, in a reaffirmation of the principle that all are equal before the law and to ensure the promotion and upholding of justice.

**Mr. Kryzhanivskyi** (Ukraine): At the outset, I would like fully to associate my delegation with the statement delivered by the representative of Finland on behalf of the European Union. Allow me to make some additional remarks.

Ukraine attaches great importance to the activities of the International Criminal Court. We welcome the ratification of the Rome Statute by 102 States representing all regions of the world.

Ukraine is a strong supporter of the idea that the effective functioning of the Court will end impunity for those who hide behind the principle of State sovereignty, as the Rome Statute confers upon the Court jurisdiction over acts of genocide, war crimes, crimes against humanity and the crime of aggression, irrespective of national boundaries.

I would like to emphasize the importance for my country of developing a definition of the crime of aggression. The system of international criminal justice based on the Rome Statute would be incomplete without such a definition. In that regard, I would like to commend the contribution made by the delegation of Liechtenstein this year in organizing an intersessional meeting of the Special Working Group on the Crime of Aggression at the Liechtenstein Institute on Self-Determination at Princeton.

As a strong advocate for a fair and effective International Criminal Court, Ukraine signed the Rome Statute on 20 January 2000. In so doing my country took its first step towards participation in that instrument. Extensive work was also begun in Ukraine to develop, and eventually adopt, implementing legislation, which is the necessary prerequisite to the parliament's ratification of the Statute. However, during the bill's drafting phase, a debate emerged about whether the Rome Statute is in conformity with Ukraine's constitution. The appropriate issues were submitted to the Constitutional Court of Ukraine for its final resolution.

On 12 July 2001 the Constitutional Court of Ukraine pronounced its conclusion, according to which the Rome Statute was found to be in conformity with the Constitution of Ukraine, with the exception of the provision contained in the Statute's tenth preambular paragraph, which states that "the International Criminal Court established under [the] Statute shall be complementary to national criminal jurisdictions". In accordance with the conclusion of the Constitutional Court, further measures will be taken in Ukraine to complete the internal procedures necessary to submit the Rome Statute to the Verkhovna Rada — which is Ukraine's parliament — for its ratification.

I would like to express the conviction that the task of completing the ratification process and enacting implementing legislation will be successfully accomplished in Ukraine. We understand the necessity for these steps to help end impunity for the worst crimes in the world, which have plagued the twenty-first century as no other.

**Ms. Skaare** (Norway): Let me begin by saying that Norway fully recognizes the substantial progress made by the International Criminal Court (ICC) this past year. The Court is steadily integrating itself, including in practice, into the international legal system and the broader framework of international institutions and relations. Norway welcomes the second annual report (A/61/271) of the Court to the General Assembly, which reflects its achievements. We would like to thank the President of the Court, Mr. Philippe Kirsch, for his presentation.

We are very pleased to note the strengthening of the relationship between the ICC and the United Nations. Secretary-General Kofi Annan once said that there can be no healing without peace, no peace without justice and no justice without respect for human rights and the rule of law. Norway fully shares that view, and firmly believes that the ICC has a crucial role to play in ensuring justice, as a complement to national systems, in order to achieve accountability for genocide, crimes against humanity and war crimes.

At the same time, it has long been recognized that the pursuit of justice in areas affected by armed conflict can give rise to particular challenges. One challenge that has been increasingly debated is related to the relationship between peace efforts and criminal prosecutions. Efforts to promote ceasefires and peace agreements can of course give rise to dilemmas. In certain cases, people who are key to the success of peace talks may have even perpetrated the gravest crimes. Nonetheless, in order to end bloodshed and armed conflict, mediators may have to call on all the parties concerned to sit down together and negotiate.

The emergence of a system of international criminal justice has not changed any of that; nor does it constitute any obstacle to the pursuit of peace; nor do we need more empirical evidence of peace having failed because of continued impunity for mass atrocities. We have enough experience in that field. We do not need more empirical data to substantiate the need for an international legal order, including international criminal justice. Ending armed conflict is, in turn, crucial to the establishment of justice and the promotion of human rights and development. Prolonged bloodshed is not in the interest of any victims. Instead, it creates new ones on a large scale.

Although it has long been recognized that there is no durable peace without justice, it is equally difficult to conceive of true justice in a society without peace. The two aims, peace and justice, based on respect for human rights, are among the fundamental purposes of the United Nations. They are both identified in the very first Article of the Charter. Although they are distinct, they are closely interrelated. And although they may be difficult to attain simultaneously, we must strive to achieve them — if necessary one at a time — not least because they are mutually supportive and reinforcing.

Governments that are committed to the aims of the United Nations and to the prosperity of civilian populations must have a full understanding of the relationship between human rights, development and security.

Facilitating the end of conflict and contributing to durable peace, including through true justice, are demanding challenges for the international community. Prohibiting impunity for mass atrocities and communicating clearly to war-torn societies that such measures are being taken are necessary steps. The new system of international criminal justice will bring the perpetrators of mass atrocities to justice when national systems are unable or unwilling to do so. That powerful message has broad support and was recently reiterated by the Secretary-General, who said:

> "Justice, especially transitional justice in conflict and post-conflict societies, is a fundamental building block of peace. In the face of pressures to the contrary, the international community should ensure that justice and peace are considered to be complementary requirements. Indeed, we must never choose between justice and peace, even if it is not possible to pursue both goals in parallel. This is particularly important because it remains our firm position that there should be no amnesty for international crimes." (*A/61/1, para. 109*)

That message is slowly being implemented in practice, through painstaking efforts at national levels, through international cooperation and, where necessary, through international mechanisms such as the ICC, which is triggering the legal obligations of States parties to the Statute.

In that regard, Norway expects States that have legal obligations according to the Statute, or who have entered into cooperation agreements with the Court, to

comply with those obligations and to demonstrate in practice their commitment to justice. Those States have a responsibility to reach out and explain to their populations the true nature of the Court and its system. It is a system that provides for fair hearings and the rights of the accused, while safeguarding the interests of victims and it is a system that enjoys broad support in the international community.

At the same time, the international community, including the United Nations Security Council in particular, retain their responsibility for the maintenance of peace and security and ultimately for effective support to peace efforts. It is important that the General Assembly, as well as the Security Council, underline the importance of the pursuit of justice in their quest for durable peace. Those bodies must take those issues fully into account when shouldering their responsibilities.

Norway is pleased to note that today, more than one out of every two Member States of the United Nations are parties to the Rome Statute. It is no small achievement that only four years after the establishment of the Court, it numbers more than 100 States parties. Norway sincerely hopes that the number will continue to rise at the same rate and that we will achieve the aim of universal adherence.

This past year important steps have been taken by the Court in its judicial functioning. The Court has initiated its first proceedings against an accused, and the Appeals Chamber has issued its first decision on the merits. However, as emphasized both in the report before us and by the President of the Court, the Court will need the cooperation of States. That is why Norway calls on all States to cooperate fully with the Court.

In closing, I would like to reiterate Norway's firm and long-standing commitment to the integrity of the ICC Statute and to an effective, credible and a responsible International Criminal Court, which can and should enjoy the broadest possible support of States. We believe that it is in the long-term interest of nations, irrespective of size, regional grouping or political orientation, to work to strengthen the rule of law. That is not only the expression of our consistent approach to long-term peace and reconciliation through justice, it also reflects, we believe, a realistic assessment of the needs of today's interdependent world.

**Mr. Duarte** (Brazil): I wish to begin by thanking Judge Philippe Kirsch, President of the International Criminal Court (ICC), for the report he presented to us today and for his remarks on the Court's activities and its place within an emerging system of international justice. I also wish to commend the President of the Assembly of States Parties, Mr. Bruno Stagno Ugarte, Minister for Foreign Affairs of Costa Rica. His leadership role has been instrumental in a period during which important and sensitive decisions had to be taken.

Last year, the Court unsealed its first five arrest warrants. In March 2006, it received in custody the first person arrested pursuant to a warrant issued by the Court. Pre-trial and appeals proceedings continued to take place for trials to begin late this year or early next year. That activity testifies to the vitality of the institution which has now reached the stage of full functionality.

The Court's investigations, as carried out by the Office of the Prosecutor, with the logistical support of the Registry, continue to take place in the Democratic Republic of the Congo, Uganda and Chad. In the case of the Democratic Republic of the Congo, the investigations have already led to the first arrest. With respect to Uganda, it is worth stressing the importance of the cooperation of the Government of that country towards the success of the initiatives.

Regarding Darfur, Brazil has on several occasions expressed the importance it attributes to the role of justice in establishing peace and ending violence in the region. Although we deeply regret that the persistence of the conflict has so far prevented investigations on the ground, we are nevertheless encouraged by the tireless efforts of the Office of the Prosecutor in leading missions to Khartoum and to several different countries. We are also encouraged by the fact that the Court's field presence in Darfur, which had been temporarily discontinued, is now resumed. We reiterate our full support for the investigations and we will continue to follow with interest the reports of the Prosecutor to the Security Council pursuant to the provisions of resolution 1593 (2005).

Given the intricacies of the relationship between the United Nations and the International Criminal Court, Brazil welcomes the close cooperation between the two institutions and believes that they should continue to work together to fulfil their shared goals.

In that regard, we note with satisfaction the recent Relationship Agreement between the ICC and the United Nations as well as the establishment of the ICC liaison office in New York. We are confident that this arrangement will reinforce the channels of contact and cooperation between the Court and the United Nations.

With the latest ratifications, by Saint Kitts and Nevis and Comoros, the Rome Statute now has 102 States parties. That is a clear demonstration of the growing awareness by the international community of the need to combat war crimes, genocide and crimes against humanity in a collective manner. The establishment of the Court brought forth a new and decisive tool for the defence of human rights and for the promotion of justice and the rule of law, for the benefit of all. On the one hand, the very existence of the Court ensures that the perpetrators of the serious crimes defined in the Rome Statute can no longer expect impunity. On the other, the provisions of the Statute offer adequate and sufficient guarantees against any possible abuses and that the Court will not be used to pursue illegitimate political objectives.

*Mr. Penjo (Bhutan), Vice-President, took the Chair.*

The ability of the ICC to fulfil its high functions depends upon the support it receives from States. The Court needs the effective support of all States parties, but also that of the international community as a whole. We therefore encourage all States that have not yet become parties to the Rome Statute to ratify it or accede to it, thereby strengthening our common international endeavour to uphold human rights, the promotion of justice and the rule of law.

**Mr. Muchemi** (Kenya): Allow me to extend my delegation's gratitude to Judge Philippe Kirsch, President of the International Criminal Court (ICC), for the able manner in which he has continued to steer the activities of the Court. It is evident from the report (A/61/217) that he presented to us this morning that the Court has made significant progress both in its administrative activities and in its judicial work. We wish to align ourselves with the statement made by the representative of South Africa on behalf of the African States parties to the Statute of the International Criminal Court.

The ICC is now a fully functional judicial institution with an established field presence. It has made substantial progress in the ongoing investigations in northern Uganda, the Democratic Republic of the Congo and Darfur in the Sudan. We particularly welcome the first arrests in respect of the Democratic Republic of the Congo and expect that the initial trial will set the pace for further trials and increase confidence in the Court.

We wish to emphasize that cooperation from Member States and from other international organizations is a prerequisite to the success of the Court. In that regard, we are gratified that the Court has over the past year developed a comprehensive framework for institutional cooperation with the United Nations as well as with States and regional organizations. It is evident that the Court's cooperative arrangements with the United Nations have been instrumental in the success of the activities of the Court in all of the situations under investigation by the Court. We applaud that approach by the Court and urge strengthened and enhanced cooperation with the United Nations as provided for under the Relationship Agreement.

We also note with gratitude that the European Union and the Government of Austria have concluded cooperation agreements with the Court with regard to judicial assistance, the arrest and surrender of victims and the acceptance of persons sentenced by the Court. We recognize that the Court does not have its own police force to execute its orders in relation to arrests and surrenders. Nor does it have its own prisons. The cooperation of States parties on those matters is thus critical to facilitate the operations of the Court and to help it achieve its mandate. We urge the Court to intensify its efforts to conclude negotiations on cooperation arrangements both with States parties and with regional organizations. Considering that all the situations currently under investigation are in Africa, we look forward to the early conclusion of a cooperation agreement with the African Union.

We applaud the Court for its intensive outreach programmes in the areas currently under investigation. Very often, the communities that have suffered the horrendous crimes under the Court's jurisdiction have little appreciation or understanding of the role and work of the Court. The outreach programmes help to promote acceptance of the Court and assist victims to realize their rights under the Statute. We thus look forward to receiving, at the Assembly of States Parties this autumn, a composite strategy on the Court's outreach programmes.

At this juncture, I wish to comment briefly on the provisions of the Rome Statute in relation to the principle of complementarity of the Court's jurisdiction. The primary responsibility for prosecuting those responsible for genocide, crimes against humanity and war crimes falls within national jurisdictions. The Court assumes responsibility only when it becomes evident that the concerned State is unable or unwilling to prosecute those crimes. It is our understanding that this core principle of the Statute should override other considerations and inform the decisions of the Court in carrying out investigations and conducting proceedings.

Thus, we urge close collaboration and dialogue between the Court and the States of original jurisdiction. In that connection, it is important to remember that in most situations of genocide, war crimes and crimes against humanity, the victims have been exposed to long periods and episodes of conflict; focusing on processes while turning a blind eye to sustainable peace can thus be counter-productive. Peace and justice are not mutually exclusive and should be addressed simultaneously.

I wish to reaffirm my Government's commitment to the work of the ICC and to pledge its continued cooperation with the Court. We ratified the ICC Statute in March 2005, and the legislative procedures for its domestication are at an advanced stage. We welcome the recent ratifications by Saint Kitts and Nevis and the Republic of Comoros, which have brought the total membership to 102 States. We encourage further ratifications by States that have not yet done so, in order to achieve universality of the Statute.

We appeal to all States Members of the Organization to work individually and collectively towards the achievement of the ideals of the Rome Statute: to contribute to long-lasting respect for, and the enforcement of, international criminal justice in order to prevent and to fight impunity for the most serious crimes of an international character.

**Mr. Khair** (Jordan): Allow me, on behalf of my. delegation, to warmly welcome the President of the International Criminal Court (ICC), Judge Philippe Kirsch, and to thank him for his report to the General Assembly.

Two years ago, the President of the Court and the Secretary-General of the United Nations concluded the Relationship Agreement between the Court and the Organization. That relationship has since matured and will continue to strengthen as the demands made on the Court continue to mount. In that context, my delegation expresses its deepest gratitude to Secretary-General Kofi Annan for the tremendous support provided by him and the Organization to the ICC. It is our earnest wish that Mr. Annan's successor will follow in his footsteps. The world can afford nothing less.

Today, as we review the most recent annual report of the Court (A/61/217), we are mindful of the continued suffering caused to victims in many areas of conflict around the globe — suffering as a consequence of genocide, war crimes and crimes against humanity. It has become more important than ever that the United Nations place victims and their plight at the centre of all its considerations.

Jordan welcomes the report submitted by the Court to the General Assembly, which describes the main developments related to the Court's activities over the past year, including the unsealing of the first arrest warrants by the Court and the first proceedings against an accused. Those developments mark a turning point in the history of the Court. Jordan values the efforts of the Office of the Prosecutor and commends the Court for its efforts to enhance understanding and awareness of its role and activities in relation to both proceedings and investigations among local populations in situation areas.

Jordan takes note with satisfaction of the first version of the Court's strategic plan, adopted early this year, and is pleased with the developments relevant to the relationship between the Court and the United Nations, especially in the areas of information sharing and international cooperation. In that regard, Jordan welcomes the establishment of the Court's liaison office in New York.

Jordan is aware of the difficult conditions on the ground under which the Court has to work. Jordan calls upon all States, relevant regional organizations and United Nations operations to engage positively with the Court, to provide it with the necessary support in the field and to help it carry out its mandate by providing it with the necessary operational assistance.

Jordan reaffirms its continuous support for the ICC, — support that is due to its firm belief in the purposes of its creation. Jordan also believes that a functional and effective International Criminal Court

whose Statute is always respected is in the national interests of every State.

**Mr. Chávez** (Peru) (*spoke in Spanish*): I wish at the outset to thank the President of the International Criminal Court (ICC) for his introduction of the comprehensive and detailed report on the work of the Court during the period 1 August 2005 to 1 August 2006 (A/61/217). I also wish to reaffirm Peru's commitment to helping the ICC to effectively fulfil its mandate and to enhance the integrity of its Statute.

The adoption of the Rome Statute was a historic moment. The international community decided not to tolerate impunity for crimes that are the greatest affronts to the human person: genocide, crimes against humanity and war crimes. The ICC was thus conceived not only as an effective tool for punishing those responsible for these crimes, but also as a means of preventing and deterring the commission of such atrocities.

What was once a wish is now a functioning reality. We have a fully operational International Criminal Court that is shouldering the lofty responsibilities entrusted to it and is thus helping to achieve the purposes of the United Nations, particularly respect for human rights and the maintenance of international peace and security.

Among the most notable developments during the period covered by the report, we must mention the unsealing of the first arrest warrants, the beginning of the first proceedings against an accused and the progress made in the investigation of the situations being considered by the Office of the Prosecutor.

With regard to the first proceedings against an accused, Peru is particularly pleased at having participated, as Chair of the Security Council Committee established pursuant to Council resolution 1533 (2004) concerning the Democratic Republic of the Congo, in the process that led to the lifting of the travel ban imposed against Thomas Lubanga Dyilo for the purpose of his surrender to the Court. As that case demonstrates, if the ICC is to carry out its functions, it must receive the support and cooperation of States, international organizations, non-governmental organizations and society in general.

Indeed, the progress made over the past year in judicial investigations and proceedings is due to the cooperation and assistance that the Court has received. Those matters still involve enormous challenges and require greater cooperation and assistance. For example, none of the members of the Lord's Resistance Army — who are accused of crimes against humanity or war crimes — has yet been arrested or surrendered to the Court. That is a situation that Peru regrets. Therefore, Peru urges all States and the United Nations, and particularly the Security Council, to cooperate to ensure the effectiveness of the arrest warrants and to support the Office of the Prosecutor in its commendable work to seek justice and combat impunity, particularly in the situations in Uganda and the Democratic Republic of the Congo and the situation in Darfur, the Sudan, referred to the Court by the Security Council in its resolution 1593 (2005). With regard to the latter situation, we should recall that the Prosecutor has stated that the cooperation of the Government of the Sudan and other parties is vital and that the assistance of organizations with a significant presence on the ground remains essential.

As the President of the Court indicated in his presentation, the investigations being conducted on the ground by the Office of the Prosecutor are facing security problems both for Court staff and for witnesses and victims. Therefore, cooperation among States and the cooperation that should develop between the Court and the United Nations under the Relationship Agreement signed between them are of the utmost importance. The cooperation and assistance provided by the missions and organs of the United Nations system, as described in the report, are welcome. However, they must continue to increase, because without such essential support on the ground, the work of the Court — particularly the work of the Office of the Prosecutor — would be even more difficult or practically impossible. We are certain that, through the establishment of the liaison office in New York, operational cooperation with the United Nations will become closer.

The assistance that the ICC is providing to the Special Court for Sierra Leone with regard to the trial of former President Charles Taylor of Liberia, and to the International Independent Investigation Commission — through the appointment of the Court's Deputy Prosecutor for Investigations as Commissioner — show the ICC's substantive contribution to a more comprehensive system for promoting international criminal justice. The Court not only prosecutes those allegedly responsible for the most horrendous crimes

and serves as a means of prevention and deterrence, but also cooperates with other institutions with similar objectives. Thus, it promotes an international system in which respect for the rule of law prevails.

**Mrs. Mladineo** (Croatia): It is our great pleasure to welcome to the General Assembly Judge Philippe Kirsch, President of the International Criminal Court (ICC), and to thank him for presenting the Court's annual report (A/61/217).

Today, it may seem almost natural that our debate on work of the International Criminal Court should follow our consideration of the work of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and of the International Criminal Tribunal for Rwanda (ICTR). A permanent and universal criminal court seems a logical extension of ad hoc adjudication; it builds upon that experience, solidifying and advancing the legacy of international criminal law. Moreover, its ex ante jurisdiction has a powerful deterrent effect.

Croatia associates itself fully with the statement delivered by the Republic of Finland on behalf of the European Union. Without intending to paraphrase it, I would like to briefly address several points.

With the first trials to begin shortly, the Court is facing a reality check. As the ICC does not have its own enforcement capabilities, our support and cooperation, which brought it to life four years ago, is no less critical today. We, the States parties, are its missing executive arm. This responsibility has many facets and does not fall only upon countries affected by investigations. Agreements on relocation may be one example, as may agreements on the serving of sentences where widespread regional coverage is of significance, as the recent experience of the International Criminal Tribunal for the Former Yugoslavia (ICTY) suggests.

While addressing the interplay between peace and justice, some might question the impact of the ICC. However, we believe that peace and justice are not opposing categories. Justice is a prerequisite for lasting peace. Establishing individual criminal responsibility can play a critical role in the reconstruction of national identity in societies affected by conflict. We hope that these considerations will find resonance in the work of other bodies dealing with post-conflict situations, including the newly founded Peacebuilding Commission.

Although it is in the early years of its existence, the Court has already made an impact in international relations. We recognize that there is still some scepticism about its role and purpose. This may best be deflected by observing the Court in action. We believe that its activities so far have attested to its seriousness, transparency and high standards.

In conclusion, let me reaffirm our belief that the best guarantee for the success of the ICC is universal participation. We encourage those countries which have not yet become parties to join the Rome Statute.

**Mr. Kruljević** (Serbia): I wish to thank Judge Philippe Kirsch, the President of the International Criminal Court (ICC) for his presentation of the report of the Court (A/61/217) today. The Republic of Serbia fully aligns itself with the statement made this morning by the representative of Finland on behalf of the European Union.

The Republic of Serbia holds that the establishment of the International Criminal Court is one of the most significant events in the development of international law. It is therefore of crucial importance that the States parties to the Rome Statute demonstrate their full commitment to upholding the principles of international humanitarian law and the maintenance of world peace and security through full and unconditional cooperation with the Court and effective implementation of the provisions of its Statute.

Furthermore, we wish to call on States to continue to support universal ratification of the Rome Statute and to keep the momentum to that end. We welcome the report of the International Criminal Court as a testimony to the advance of the ongoing quest for a world based on justice and accountability. The first arrest pursuant to a warrant of the ICC, as well as active investigations and pre-trial and appeals proceedings, clearly demonstrate that the Court has evolved into a fully functional judicial institution.

We also wish to commend the intensified coordination of the Offices of the Registrar and of the Prosecutor. The first proceedings have already marked a turning point in the history of the Court. The way forward should eventually galvanize its position as a custodian of the most fundamental values that we all share and as a pillar of an international order based on the rule of law.

As much as the success of the International Criminal Court depends on the support of Member States, it still requires more extensive collaboration with the world's multilateral institutions, primarily the United Nations, an institution founded on the very same noble principles, in particular the maintenance of international peace and security. This clearly demonstrates the necessity of full implementation of the Relationship Agreement between the two institutions. With this in mind, we view the establishment of the ICC liaison office in New York as a significant step.

The Republic of Serbia, as one of the founders of the International Criminal Court and having experienced tragic developments in the Balkans, will do its utmost to respect and uphold its international obligations under the Rome Statute in order to ensure the full implementation of all legal acts of the Court in domestic legal systems. This process has been ongoing through the relevant provisions in the former Constitutional Charter and through amendments to national legislation that are fully reflected in the text of the new Constitution of Serbia.

Through their cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY), the District Court of Belgrade and its War Crimes Chamber, as well as the Office of the Prosecutor for War Crimes of that Court, have proven their professional and judicial capacity to process the most complex cases in line with prevailing international standards of justice. Furthermore, the District Court of Belgrade has expressed its readiness to contribute to the establishment of an International Criminal Court database which will compile all national judicial decisions and cases pertaining to the substance of international criminal law, namely, crimes of genocide, crimes against humanity and war crimes.

In addition to the fact that the Republic of Serbia was among the first to ratify the Rome Statute, it gives me pleasure to recall the activities that my country has undertaken in order to facilitate the work of the Court. Serbia was among the first countries to ratify the Agreement on Privileges and Immunities of the ICC. In addition, we are currently in the process of negotiating an agreement on the serving of prison terms in Serbia by persons sentenced by the ICC. Furthermore, an initiative has been launched to conclude an agreement on witness protection and relocation.

With regard to the latter initiative, I wish to point out that the parliament of Serbia recently adopted a new criminal code with provisions that fully conform to witness protection standards. Let me also point out that Serbia has been a keen supporter of the establishment of the Trust Fund for Victims and is eagerly looking forward to its operation, having already earmarked financial means in its budget for support of the Fund.

My country supports the further strengthening of the institutional capacity and activities of the International Criminal Court and will continue to do so, both as party to the Rome Statute and as a member of the Bureau of the Assembly of the States Parties, in which we are now serving our second term. At this point, let me reiterate that we believe that the only way to further the building of the ICC's institutional capacity with a view to fostering the Court's universal acceptance is to strengthen the cooperation and support of all States parties to the Rome Statute as well as of all States Members of the United Nations.

**Ms. Rivero** (Uruguay) (*spoke in Spanish*): I have the honour to speak on behalf of Uruguay with regard to the report (A/61/217) introduced this morning by the President of the International Criminal Court (ICC) on the activities, investigations and proceedings that the Court has carried out during this recent period.

We note with pleasure the progress which the ICC has consolidated in various areas. From the beginning, Uruguay was in favour of the establishment of the Court and became a State party to the Rome Statute in the firm conviction that it was indispensable to create an organ which would complement the action of States, thus strengthening international criminal justice.

Thus, we note with satisfaction the fact that increasingly States are grasping the importance for international law of increasing cooperation and assistance, which in turn will enable us to reaffirm the purposes and principles of the Charter and, in particular, to promote justice, which is essential for the maintenance of lasting peace.

For the same reason, we welcome the fact that the Court is dealing with cases referred to it not only by States parties to the Statute, but also by the Security Council — and even by a State that is not a party. This also demonstrates that the importance of the fight against impunity is increasingly perceived as an

indispensable step towards peaceful coexistence for humankind.

In that respect, we believe that is very important to continue activities aimed at increasing understanding and awareness regarding the functions of the Court, because this will help it to be more effective in its work. Even though cooperation with the United Nations is already a reality and is irreversible, we are very encouraged by the recent establishment of the liaison office of the Court, which will facilitate continuous follow-up of its work. We also hope that that will help to increase cooperation.

I am very proud to be able to convey good news regarding the implementation by my country of a number of the tasks that the General Assembly entrusted to States parties in resolution 60/29 of 23 November 2005. As we know, it is very important to have good intentions, but it is even more important to carry them out. Thus, in September, Uruguay adopted two laws that will enable it to comply fully with the obligations set out in the Rome Statute and to cooperate fully with the International Criminal Court.

The first of those laws endorsed the Agreement on the Privileges and Immunities of the International Criminal Court; we are sure that that will help us to assist the Court in carrying out its functions. The second measure — an initiative put forward by the senate of the Uruguayan parliament and unanimously supported by both chambers — resulted in the adoption of a law on genocide, crimes against humanity, war crimes and cooperation with the International Criminal Court. That law will enable us to implement the provisions of the Rome Statute within the framework of the Uruguayan legal system, and will also give us an opportunity at the national level to consolidate — not only de jure but also de facto — the essential principles of social coexistence with full respect for human rights, thereby helping to put an end to a painful chapter in our country's history by setting a good example for the future.

I would also like to point out that that law includes a special section — part III — governing Uruguay's cooperation and relationship with the International Criminal Court. Among other provisions, it provides for both the executive and judicial branches to request cooperation from the Court for investigations or criminal proceedings that are ongoing in our country, in accordance with article 93, paragraph 10, of the Rome Statute.

We believe that we are on the right path in terms of our compliance with commitments undertaken. In addition to providing a direct benefit for our people, we want this to make a contribution to the international community as a whole.

**Mr. Sealy** (Trinidad and Tobago): Trinidad and Tobago welcomes the second report (A/61/217) of the International Criminal Court (ICC), issued pursuant to the Agreement between the Court and the United Nations. Trinidad and Tobago also wishes to associate itself with the statement made by the representative of Saint Vincent and the Grenadines on behalf of the members of the Caribbean Community (CARICOM) that are States parties to the Rome Statute of the ICC.

During the past year, the ICC has demonstrated that the trust placed in it by members of the international community as a permanent penal institution in the fight against impunity and a beacon of hope for victims seeking justice against the perpetrators of crimes which shook the conscience of all mankind is not misplaced. In the relatively short period of time since the entry into force of the Rome Statute and the election of its first bench of judges, the ICC has not only commenced investigations into atrocities committed against hapless victims of crimes within its jurisdiction in the Democratic Republic of the Congo, in Uganda and in the Darfur region of the Sudan, but was also able to receive and commence proceedings against an accused person.

Trinidad and Tobago views these developments not only as important milestones in the promotion and enforcement of the rule of law, but also as important pillars in building bridges for the maintenance of international peace and security. Nevertheless, we are mindful that these developments, important as they are, were possible only because of the cooperation between the Court and the referring States, the United Nations, States parties and non-governmental organizations (NGOs).

In this regard, we note with appreciation the cooperation agreements entered into by the Court with the Government of Austria, the European Union and the International Committee of the Red Cross and those to be concluded in the near future with the African Union and the Asian-African Legal Consultative Organization. It is only through such cooperation

agreements that the Court will be able to gather evidence, provide logistical support for operations in the field, carry out the arrest and surrender of accused persons and enforce sentences. Without the successful completion of these procedural requirements, the Court will not be able to implement its mandate effectively and thereby contribute to ending impunity.

Trinidad and Tobago applauds the efforts made by the Court through its outreach programme to bring greater awareness and understanding of its work to the communities whose situations have been referred to it either by States or by the Security Council. We recognize, however, that universal adherence to the Rome Statute is an essential component in the fight against impunity wherever it may occur, and we therefore urge States parties and others to assist the Court in engaging in outreach activities aimed at promoting increased ratification of and accession to the Statute.

In this vein, Trinidad and Tobago continues to work with the NGO community and the CARICOM secretariat in promoting ratification and accession in the Caribbean region, and it welcomes the recent accession to the Statute by the Government of Saint Kitts and Nevis.

Trinidad and Tobago's commitment to the Rome Statute is long-standing. In this connection, comprehensive legislation was recently enacted at the internal level giving full domestic legal effect to the Rome Statute.

In March of this year, six judges started their terms of office for a nine-year period. This was the result of a process of transparent elections which resulted in the re-election of five judges and the election of a new female member of the Court, Professor Ekaterina Trendafilova of Bulgaria. We would also like to take this opportunity to pay tribute to Judge Neroni Slade of Samoa for his important contributions to the initial work of the Court.

We have also witnessed the establishment of the New York liaison office in an effort to assist the ICC in the area of cooperation with the United Nations. We view the establishment of that office as another opportunity for the Court to gain greater visibility in the international community as represented here in New York, which we hope will lead to its universal acceptance. The same could be said of the decision by the Assembly of States Parties to hold its resumed fifth session and its sixth session in New York in 2007.

The report of the ICC comes at a time when the international community has not been able to achieve the international peace and security and respect for international law, in particular international human rights law and international humanitarian law, contemplated by the founders of the United Nations. Despite the sometimes seemingly unattainable goal of achieving the aforementioned objectives, Trinidad and Tobago strongly believes that the ICC represents hope for all mankind.

Although the ICC is not directly involved in the prosecution of accused persons before the International Criminal Tribunal for Rwanda or before the Special Court for Sierra Leone, it is providing critical support to those tribunals. The level of support goes beyond mere cooperation in an emerging system of international criminal justice. It is, moreover, a consequence of the growing recognition of the ICC as a court that is truly special, not only because of its permanent nature as an organ to prosecute and punish those who commit crimes within its jurisdiction and to bring relief to victims through the provision of reparations and other forms of assistance, but also because of its cadre of distinguished judges, prosecutors, registrars and general staff, who continue to meet the daily challenges which bedevil this new institution, established by all of us — people of conscience who dared to declare that the perpetrators of crimes against humanity and other heinous crimes should not go unpunished.

**Mr. Shinyo** (Japan): I would like to thank Judge Philippe Kirsch for his in-depth report on the most recent work of the International Criminal Court (ICC) and to welcome the considerable progress that the Court has made in its investigative and judicial proceedings over the past year.

The ICC represents the culmination of the efforts of the international community after the Second World War to create a permanent international tribunal in the field of criminal justice. Japan attaches great importance to this enterprise. Japan consistently supported the establishment of the ICC, actively participating in ICC-related meetings, including the Rome Diplomatic Conference of 1998, at which the Statute creating the ICC was adopted. Although Japan has yet to accede to the Statute of the ICC, it fully

recognizes the importance of becoming a State party so that it can effectively support the Court, with a view to eradicating and preventing the most serious crimes, thereby strengthening the rule of law in the international community.

The Government of Japan is redoubling its efforts to prepare for accession to the Statute. Japan's accession will entail a substantial financial obligation in the form of an annual assessed contribution, which requires careful assessment against the backdrop of Japan's serious fiscal deficits. In this regard, we believe that the principles on which the United Nations scale of assessments is based, including the maximum assessment rate — the ceiling — should be applied to the scale for assessing contributions of States parties to the ICC. This position is based on a straightforward interpretation of the Rome Statute and other relevant rules. Without the confirmation of this interpretation, it would become almost impossible for Japan to accede to the Rome Statute, as it could not garner the necessary public support. Japan encourages the States parties to the ICC to confirm this interpretation at the next Assembly of States Parties.

Japan hopes that the ICC will continue to work diligently towards the eradication of the culture of impunity and to enhance its good reputation as the only permanent international criminal court in the world.

**Mr. Kanu** (Sierra Leone): Sierra Leone associates itself with the statement made by the representative of South Africa on behalf of the African States parties to the Rome Statute. However, we wish to make the following remarks from our national perspective.

The second report of the International Criminal Court to the Assembly (A/61/217) comes eight years after the adoption of the Rome Statute by a large number of States, including my country, Sierra Leone. To be precise, 102 Member States have ratified the Statute. The International Criminal Court (ICC) has come a long way since Rome. Therefore, I wish at this juncture to thank the President of the ICC, Judge Philippe Kirsch, for his report and for his leadership of the Court.

Even though the judicial phase of the Court has begun in earnest, there is still a lot of work to be done. Notwithstanding this, we thank the Prosecutor and his efficient team for a job well done under extremely difficult circumstances. In this regard, we believe that the unfettered cooperation of States, especially those in areas where investigations are ongoing, is crucial for the work of the Court. Here, regional organizations like the African Union can play a significant role in securing the cooperation of States in affected areas. Such cooperation will enhance the capacity of the Court to bring to justice the perpetrators of heinous crimes that prick the conscience of humanity. We wish to thank the African Union for the cooperation and assistance that it has afforded the Court.

There is a need for continued effective collaboration between the United Nations and the Court. The United Nations is a universal Organization. The cooperation and support of the United Nations is crucial if the International Criminal Court is to fully become an effective international criminal justice institution. There is a great need for the universal ratification of the Statute. We therefore call on all of our friends who have not yet signed or ratified the Statute to do so as soon a possible.

We can see that the Court, under the leadership of President Kirsch, has a vision of where it intends to be in the future for the benefit of humanity. However, it is sad to note that the Court still has detractors. We hope and trust that the signs of a change of attitude towards the Court that we are now witnessing will ultimately lead to universal or near-universal participation in the Statute.

I wish at this juncture to reiterate some comments that we as African member States made in the debate on this item last year when considering the strategic vision of the Court.

First, we want to see evidence that the Court is adopting a resource-based, rather than a demand-based, strategy. We would like the Court to address this concern. Secondly, we expressed the view that justice must not only be done but must be seen to be done. We have a preference for holding hearings in the region — and, as far as practicable, in the country — where the crimes are committed. The Special Court for Sierra Leone is an eloquent example of this. In this regard, we welcome the statement that the Court will, where possible, try to conduct trials in the countries or regions where the crimes are committed. This is very gratifying.

Since I am talking about the Special Court for Sierra Leone during this debate on the report of the International Criminal Court, permit me to digress

further and appeal to this Assembly on behalf of the Special Court. The Special Court is now in a critical phase of its operation — the Charles Taylor trial will start next year — but needs funds. I would therefore like to take advantage of this rostrum to appeal to the international community to handsomely support the Special Court for Sierra Leone. The success of the Court is crucial for the consolidation of the peace process in Sierra Leone. We would like to thank the Court and its President for their cooperation with and assistance to the Special Court for Sierra Leone. This cooperation and support is very important for regional stability.

Returning to the ICC, my delegation urges the Prosecutor to aggressively pursue those who have been indicted. Earlier, one speaker referred to the situation in Uganda.

Moreover, the States in which perpetrators are hiding must demonstrate their political will and commitment by transferring them to the Court. In that regard, we welcome the work that the Court has done on outreach. We urge the Court to undertake an extensive outreach programme purposefully geared towards explaining what the ICC is about, what it is seeking to achieve and the crimes that are within its jurisdiction. It must be amply demonstrated that the Court is truly international and that it does not belong to any particular region or people.

In conclusion, let me once again call on all States to assist the Court, because its ability to fulfil its mandate depends heavily on such assistance. In addition, the Trust Fund for Victims has become virtually operational. The international community must demonstrate its commitment to victims by making financial contributions to the Trust Fund. The ICC is the first international tribunal to give recognition to the victims of heinous crimes, and the Trust Fund is a practical way to demonstrate that recognition. I say with regret that the Special Court did not see fit to do the same.

I should like to conclude by saying that there is no peace without justice; the International Criminal Court is a symbol of that maxim.

**Mr. Mukongo Ngay** (Democratic Republic of the Congo) (*spoke in French*): At the outset, I should like to confirm my delegation's support for the statement made earlier by the representative of South Africa on behalf of the States parties to the Rome Statute belonging to the Group of African States.

Notwithstanding the possible success of the elections now under way in my country, the challenge of normalizing democracy in the Democratic Republic of the Congo will remain only a cherished dream if the transition from war to peace and democracy does not include the components of administering justice and combating impunity. To build and maintain a lasting peace, the Democratic Republic of the Congo must make progress in re-establishing the rule of law, which requires good administration of justice to truly curb impunity. That is one of the reasons why, from this rostrum, I wish to reaffirm my country's commitment to the International Criminal Court (ICC).

In that connection, on behalf of my delegation and on my own account, I should like to congratulate Mr. Philippe Kirsch, President of the Court, on the Court's second annual report to the United Nations (A/61/217), which is just as comprehensive and enlightening as the first. The Court can be assured of my delegation's full cooperation in its relations with my country.

While very recently we were still welcoming the Prosecutor's opening of the first investigations and the unsealing of the first international arrest warrants, the Court is now in the process of beginning its first trial with the arrest and transfer to the Court of Mr. Thomas Lubanga. That proves that the dream of international criminal justice has become a reality and that the Court is resolutely engaged in the fight against impunity for the most serious crimes, which have shocked the collective conscience of humanity for so long.

The war in my country has bred enormous prejudice against the very people who have paid a heavy price. In that context, aiding the victims — as previously emphasized by the Secretary-General in his report on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616) — also requires well-designed compensation programmes, which guarantee that justice is interested not only in the guilty, but also in those men and women who have suffered at their hands.

That issue is of most interest to the victims, who hope to obtain through the Court the necessary reparations, restitution of their property and substantial compensation for the losses they have suffered, particularly because it has been established that the

Court can set the amount of reparations — even if the victims have not specifically requested it to do so — when it determines that they are not in a position to do that themselves.

My delegation believes that, in addition to all the initiatives it has already undertaken, the Court will be able to play its full role only if it can meet the expectations of devastated people in faraway regions of the world who are clamouring for justice. Seen from that perspective, the expectations of the Congolese people are certainly high. However, we should note that they are aware of the limits of the Court's action, particularly because of the application of the principle of complementarity and because of the average length of an investigation, which varies from six months to three years, while a trial can last a year.

Last year, from this rostrum, my delegation called the Court's attention to the need to objectively inform people in situation countries and to educate them about the basic rules of the ICC Statute and Rules of Procedure and Evidence through public campaigns and through seminars and other professional forums. Sound knowledge of the rights to which they are entitled will enable them to make appropriate claims.

My delegation is pleased to learn that the Court has already held workshops and seminars in the Democratic Republic of the Congo for specialized audiences such as judicial authorities, attorneys, members of non-governmental organizations and journalists. We also welcome the Court's awareness-raising activities in the field regarding victims' participation in its procedures and the reparations to which they are entitled. My delegation would like to strongly encourage the continuation of those activities. We call for a closer relationship between the international criminal justice system and those under its jurisdiction, particularly through the holding of on-site hearings in those regions of the world that have experienced the horrors of crimes within its purview.

Since it has been established that the ICC cannot replace national justice systems, recourse to the competence of national courts will remain the rule, given the principle of complementarity. That is why the instruments of ratification of the Agreement on the Privileges and Immunities of the International Criminal Court, recently authorized by the Congolese parliament, will be deposited with the Secretary-General. Draft legislation implementing the Rome Statute has already been submitted for the consideration of parliament, where its adoption will be a priority on the agenda of that national institution.

I should like to take this opportunity to recall my delegation's interest in the discussions of the Special Working Group on the Crime of Aggression, whose conclusions will serve to supplement the provisions of the ICC Statute. The Statute provides that the Court will exercise competence regarding the crime of aggression when a provision has been adopted under articles 121 and 123. Such a provision will define the crime of aggression and set the conditions for exercise of the Court's competence in that regard.

Finally, I wish to reaffirm the will of my delegation to respect the integrity of the Court's Statute. I invite delegations that have not yet done so to join the mechanism of the International Criminal Court, which ensures the universality of the fight against impunity.

**The Acting President**: We have heard the last speaker in the debate on this agenda item. The General Assembly has thus concluded this stage of its consideration of agenda item 74.

*The meeting rose at 5.30 p.m.*

United Nations A/61/PV.28

# General Assembly

Sixty-first session

*Official Records*

**28**th plenary meeting
Thursday, 12 October 2006, 10 a.m.
New York

*President:* Ms. Al-Khalifa ..... (Bahrain)

*The meeting was called to order at 10.15 a.m.*

**Agenda item 122**

**Scale of assessments for the apportionment of the expenses of the United Nations**

**Report of the Fifth Committee (A/61/512)**

**The President**: If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the report of the Fifth Committee that is before the Assembly today.

*It was so decided.*

**The President**: Statements will therefore be limited to explanations of vote. The positions of delegations regarding the recommendation of the Fifth Committee have been made clear in the Committee and are reflected in the relevant official records.

May I remind members that under paragraph 7 of decision 34/401, the General Assembly agreed that

> "When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, i.e., either in the Committee or in plenary meeting, unless that delegation's vote in plenary meeting is different from its vote in the Committee."

May I remind delegations that, also in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes.

Before we begin to take action on the recommendation contained in the report of the Fifth Committee, I should like to advise representatives that we are going to proceed to take a decision in the same manner as was done in the Fifth Committee.

The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 6 of its report. The Fifth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

*The draft resolution was adopted* (resolution 61/2).

**The President**: The Assembly has thus concluded this stage of its consideration of agenda item 122.

**Agenda items 48 and 62**

**2001-2010: Decade to Roll Back Malaria in Developing Countries, Particularly in Africa**

**Note by the Secretary-General (A/61/218 and Corr.1)**

**New Partnership for Africa's Development: progress in implementation and international support**

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

06-56843 (E)

**(a) New Partnership for Africa's Development: progress in implementation and international support**

**Report of the Secretary-General (A/61/212)**

**(b) Causes of conflict and the promotion of durable peace and sustainable development in Africa**

**Report of the Secretary-General (A/61/213)**

**Note by the Secretary-General (A/61/69 and Add.1)**

**The President**: The General Assembly meets today to discuss three interrelated agenda items — namely, agenda item 48, "2001-2010: Decade to Roll Back Malaria in Developing Countries, Particularly in Africa"; agenda item 62 (a): "New Partnership for Africa's Development: progress in implementation and international support"; and finally, agenda item 62 (b): "Causes of conflict and the promotion of durable peace and sustainable development in Africa".

The New Partnership for Africa's Development (NEPAD) marked the first time that an African development framework had emerged as a focal and rallying point for the international community's support for the continent and as a basis for a new partnership. It is an Africa-owned-and-led process that reflects African leaders' common vision and shared commitment to eradicating poverty and to placing their countries, both individually and collectively, on the path to sustainable growth and development.

Its adoption five years ago promised a new socio-economic revival for Africa — a multi-stakeholder partnership for a region that is still striving to overcome years of conflict, political instability, disease and poor economic performance. Much has been achieved since its adoption; yet, more needs to be done to translate commitments and vision into concrete measures and to build on the momentum generated in 2005, which was designated as the Year of Africa.

The present report on NEPAD (A/61/212) is the fourth consolidated report of the Secretary-General on progress in implementation and international support for NEPAD. It is encouraging to note that the report recognizes progress in the key priority areas of NEPAD, ranging from infrastructure to information and communication technologies, to education and health, environment, agriculture, science and technology, gender mainstreaming and the African Peer Review Mechanism. The report reflects the recognition of the progress made since last year, but it also underlines the importance of undertaking policy measures to accelerate its implementation.

The report of the World Health Organization (WHO) before the Assembly today (A/61/218) states that malaria remains largely a killer of children and poor people and continues to threaten the lives of at least 3 billion people in 107 countries and territories. Each year, more than 500 million people suffer from acute malaria, resulting in the loss of over a million lives, 86 per cent of which occur in sub-Saharan Africa.

It saddens me to say that at least 3,000 children die from malaria every day, mostly in Africa. International efforts since the beginning of the decade have faced some serious obstacles and setbacks. However, with the establishment of the WHO Global Malaria Programme at the beginning of 2006, providing a cohesive and strengthened response to the needs of malaria-endemic Member States, and the launching in February of the WHO guidelines for the treatment of malaria, some hopeful signs have emerged.

Lastly, we have before us today the report entitled "Implementation of the recommendations contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa" (A/61/213). The report notes that, while steady progress is being made in preventing, managing and resolving conflict and in building and consolidating peace, increased and concerted action is needed to prevent simmering crises from escalating and to ensure that the hard-won peace in countries emerging from conflict becomes irreversible.

I fully concur with the Secretary-General that peace agreements must involve a broader group of national stakeholders and go beyond political and security issues by considering critical economic dimensions at an early stage. Peace agreements that committed all signatory parties to genuinely addressing the need for transparent natural resource and revenue management mechanisms, equitable distribution of resources, poverty eradication and anticorruption measures would lead to earlier and more sustainable

peace dividends for the population and thereby reduce the likelihood of the recurrence of conflict.

I am convinced that the establishment of the Peacebuilding Commission, whose Fund was launched yesterday, will ensure that countries do not face a shortfall in assistance and prevent them from lapsing into major conflict. The report also directs our attention to the relationship between conflict and natural resources, the impact of youth unemployment on conflict and the challenges of disarmament, demobilization and reintegration, all of which are cross-cutting issues requiring our sustained engagement.

I concur with the report where it states that the achievement of a conflict-free Africa by 2010 will require greater political will and increased technical and financial assistance to African countries, regional organizations and civil society.

Conflicts, disease and poor economic growth have hindered many African countries for decades and have hampered the region's quest for a durable peace and sustainable development. The adoption of NEPAD five years ago provided the framework for a better future, but as the Secretary-General states in his report, greater efforts are required to effectively address the obstacles that hinder progress — youth unemployment, the devastating social, economic and political impact of HIV/AIDS, the illicit exploitation of natural resources and the illegal flows of small arms. We need to tackle, in a coherent manner, these obstacles in order to achieve tangible and sustainable results.

**Mr. Kumalo** (South Africa): On behalf of the Group of 77 and China, we wish to thank the Secretary-General for his three reports on the items we are discussing today: the Decade to Roll Back Malaria in Developing Countries, Particularly in Africa, the New Partnership for Africa's Development (NEPAD) and the causes of conflict and the promotion of durable peace and sustainable development in Africa.

Five years ago, African heads of State and Government signed the Abuja Declaration and Plan of Action that committed African countries to reaching specific targets on malaria prevention and control by 2005. Although much progress has been made in the fight against malaria, major interventions are still needed. Last year, malaria claimed more than a million lives worldwide, 90 per cent of which were African and mostly children. It is quite clear that combating malaria can only be achieved if there is concerted and coordinated action among all stakeholders to fully implement all commitments that have been made on combating malaria in all the outcomes of all the major conferences and summits.

We call upon the international community to continue supporting the Global Fund to Fight AIDS, Tuberculosis and Malaria, and through country-led initiatives to create conditions for full access to insecticide-treated mosquito nets, insecticides for indoor residual spraying for malaria control and effective antimalarial combination treatments, including through the free distribution of antimalarial mosquito nets, where appropriate.

In the 2005 World Summit Outcome heads of State and Government categorically stated that Africa was the only continent not on track to achieve the Millennium Development Goals by 2015. This was once again reiterated in the development follow-up resolution (resolution 60/265), which emphasized that vigorous implementation of all development commitments was needed without delay, and in particular the promises that have been made in support of Africa.

If we are to succeed in eradicating poverty and hunger in Africa, urgent and concerted action by developed countries and the international community is needed. In this regard, the Group of 77 and China reiterates that the main challenge remaining for the development of Africa is the full implementation of a truly global partnership for development. It has become clear that, despite all the actions and commitments by African countries, the main constraint to African development remains the lack of adequate resources.

Much has been achieved in Africa since the adoption of the Millennium Declaration in 2000. NEPAD, a programme of the African Union, is now five years old. The key NEPAD principles are African ownership in the promotion of socio-economic development, the advancement of democracy, human rights and good governance. Through NEPAD, African leaders have taken ownership and leadership of the continent's socio-economic renewal agenda and transformed the content of the development agenda.

The NEPAD policies and priorities have become an acceptable internationally approved framework for Africa's development. Through NEPAD, African

leaders have therefore fundamentally changed the development paradigm. The narrow approach of the Poverty Reduction Strategy Papers has been expanded to include a comprehensive and holistic approach to development through African ownership. In fact, most African countries now have their own national development strategies.

Despite efforts in implementing NEPAD, Africa is still far from realizing the levels of support required under this partnership. While we welcome the support provided by international partners and the United Nations in particular, much needs to be done.

The Group of 77 and China is of the view that resources must be mobilized for African States, the Regional Economic Communities and the African Union (AU), in order to support efforts aimed at achieving the Millennium Development Goals within the framework of national development programmes and the implementation of the NEPAD programme. We have taken note of the innovative approaches that have been developed in collaboration with the Economic Commission for Africa, the International Monetary Fund, the World Bank, the United Nations Conference on Trade and Development, the United Nations Development Programme and the Office of the Special Adviser on Africa regarding funding and project implementation of priority areas for NEPAD.

We are pleased that United Nations agencies have been organized into various clusters in line with NEPAD priority areas as a way to increase coordination and cooperation in their work relating to NEPAD. In addition, a number of these agencies are playing a critical role in supporting the work of NEPAD, especially in areas such as agriculture, trade and market access, infrastructural development and science and technology, among others. However, we still urge the United Nations to mainstream NEPAD into all its normative and operational activities.

On the causes of conflict and the promotion of durable peace and sustainable development in Africa, the AU has made substantial progress in conflict prevention on the continent. One of the key changes is the way in which Africans, through the AU, are leading the resolution of conflicts and managing peace building by providing strong leadership from within. This African ownership in resolving African conflicts has produced remarkable results.

The AU has created mechanisms that are instrumental in the resolution of conflicts and the promotion of durable peace on the continent. They include the Peace and Security Council whose decisions are binding on all AU members, Economic, Social and Cultural Council, and a Pan-African Parliament, with representatives from all AU member States. The African Peer Review Mechanism has started reviewing best practices in several African countries as a way to strengthen and consolidate democracy and sustainable development on the continent.

The Group of 77 and China reiterates that the main challenges remaining for the development of Africa concern the full implementation of a truly global, equitable partnership for development through the international community honouring its commitments. We call on developed countries and the international community at large to honour their commitments to support African development by launching, in 2007, concrete programmes of action aimed at fully implementing all the commitments made in the Millennium Declaration, the World Summit Outcome and the development follow-up resolution (resolution 60/265).

**Mr. Huimasalo** (Finland): I have the honour to speak on behalf of the European Union (EU). The acceding countries Bulgaria and Romania, the candidate countries Turkey, Croatia and the former Yugoslav Republic of Macedonia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina and Serbia, as well as Ukraine and Moldova, align themselves with this statement.

First of all, the EU wishes to congratulate its African partners on the fifth anniversary of the adoption of the New Partnership for Africa's Development (NEPAD). As in previous years, the EU welcomes today's debate on Africa in the General Assembly. Likewise, the EU welcomes the opportunity to address three key items: NEPAD, peace and security aspects, and the fight against malaria on the African continent.

Africa is at the heart of the European Union's development policy. Our partnership with Africa is strong and lasting. The EU continues to support the NEPAD initiative, which forms an important part of the

partnership between the international community and African nations.

One of the most significant results of NEPAD activities is the African Peer Review Mechanism (APRM). The EU is pleased to note that 25 countries have so far acceded to the Review Mechanism. South Africa completed its self-assessment, and the African Peer Review panel undertook a review mission there in July 2006. So far three countries — Ghana, Rwanda and Kenya — have completed the peer review process, and their country review reports have been considered by the African Peer Review forum. The Review Mechanism has encouraged countries to adopt policy measures to strengthen accountability and transparency. It will be essential to monitor how the recommendations of the reviews are translated into policy measures on the ground.

The sixth African Governance Forum on the theme "Implementing the APRM: Challenges and Opportunities", held in Kigali in May 2006, has given needed publicity to the Review Mechanism. It also delivered important messages about the need for flexibility within the APRM process to facilitate and speed up implementation, and the need for countries to mainstream APRM commitments into their national plans. The completion of the peer review by some pioneer countries provides a good example for others to follow and shows a strong commitment by the African Governments to move forward with this element within NEPAD.

The progress report by the Secretary-General (A/61/212) indicates that African Governments and regional organizations have achieved significant results within the framework of NEPAD. The EU concurs with this positive assessment. At the same time, analysis has shown that the contribution of civil society, and particularly that of the private sector, to the implementation of the priority projects of NEPAD has not been fully satisfactory. The EU believes that promoting African ownership and engagement within the productive sectors of society should be regarded as a key challenge for the implementation of NEPAD. To this end, a wider and deeper awareness should be raised among the business community, both inside the continent and beyond, regarding existing opportunities and economic dividends of NEPAD.

The EU will continue strengthening its relationships with Africa within the framework of the comprehensive EU Strategy on Africa, which was adopted by the European Council in 2005. In the course of next year this unilateral agreement will be transformed into a joint African strategy in close cooperation with African partners.

The primary aim of the Strategy is the achievement of the Millennium Development Goals, with a key focus on sustainable development, security and good governance in Africa. Efforts will be made to enhance coordination and cooperation with the African Union (AU), subregional African organizations and other international partners, while respecting the principles of African ownership.

The EU is committed to support Africa's efforts to consolidate peace, democracy and human rights on the African continent. Successful development in Africa also requires adherence to human rights, democratic principles and the rule of effective, well-governed States, and strong and efficient institutions. The EU Strategy identifies good and effective governance as a prerequisite for development. Good governance not only encompasses the fight against corruption, but also includes political, economic, social and environmental governance. As a positive example of economic governance, the World Bank report entitled "Doing Business 2007" refers to Tanzania and Ghana as recent reformers that have succeeded in creating business-friendly environments.

Good governance should be agreed, not imposed. Africa has demonstrated signs of positive change in the area of governance in the framework of the above-mentioned African Peer Review Mechanism. The EU supports, both politically and financially, this process in the context of its Governance Initiative. In addition to good governance, sound development requires adherence to human rights, democratic principles and the rule of law, as well as a commitment to strong and effective institutions.

The EU has recently launched the Infrastructure Initiative. It has led to the establishment of an Infrastructure Trust Fund, the key objective of which is to respond to the regional and continental infrastructure deficit. Through the Trust Fund, the EU will support Africa's efforts to identify and address missing links in existing networks, harmonize transport policies, develop integrated water management, develop cross-border and regional energy infrastructure and promote efforts to bridge the digital divide.

Without peace there can be no lasting development. Without African leadership to end Africa's conflicts there can be no lasting peace. The EU works with the AU, subregional organizations and African countries to predict, prevent and mediate conflicts, including by addressing the root causes. Key in this regard is assistance in developing the AU's African peace and security architecture, including the African Standby Force.

In sub-Saharan Africa, many peace agreements have been secured after close cooperation among the United Nations, the AU and the EU. In the Democratic Republic of the Congo, the EU remains fully involved by continuing its active support of the electoral process. The EU looks forward to the orderly and peaceful conclusion of the process, which will be paving the way for legitimate and democratically elected institutions in expression of the full sovereignty of the Congolese people. On the basis of a successful conclusion of the elections, the EU remains committed to cooperating with the newly elected Government in promoting both short-term reconstruction and rehabilitation needs, as well as long-term efforts for sustainable development, taking into account the principles of good governance.

The European Union expresses its deep concern about the constant deterioration of the security and humanitarian situation in Darfur and condemns the continuing violations of the ceasefire, in particular, the violence directed at the civilian population and providers of humanitarian assistance. The EU supports the efforts of the United Nations and other partners in the planning for a transition from the deployment of the African Union Mission in Sudan (AMIS) in Darfur to the deployment of a United Nations peacekeeping mission. The EU strongly urges the Sudanese Government to give its consent to such an operation. The EU underlines its deep concern at the potential negative impact of a continuing conflict in Darfur on the rest of the Sudan and in the wider region.

The EU welcomes the increased role of the United Nations in preventive diplomacy and reiterates its support for the World Summit Outcome conclusion that each individual State has the responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity. The central responsibility rests within countries themselves and no external efforts as regards prevention will be of use unless the State and its population agree on their importance and have a will to address the issues in question.

The European Union is fully engaged in post-conflict construction in Africa and supports, in particular, the newly established United Nations Peacebuilding Commission. The Commission, along with the Peacebuilding Support Office and the Peacebuilding Fund, is a key achievement of the United Nations reform process launched by the World Summit. The Peacebuilding Commission provides a much-needed forum for the coordination of efforts by all actors in peacebuilding to ensure coherence in the security, development, human and political aspects of peacebuilding. The EU has for many years provided considerable input for peacebuilding activities in Africa and elsewhere in the world and is ready to continue its commitments by actively supporting the work of the Peacebuilding Commission in two African countries, Burundi and Sierra Leone.

The EU understands the importance of integrating a gender perspective into conflict prevention. Urgent preventive measures should be developed, especially in relation to gender-based violence in conflicts. Mechanisms for prevention against and protection from gender-based violence need to be well planned in advance and included in interagency contingency plans and strategies.

The EU also supports the strengthening of fragile States, as well as programmes for disarmament, demobilization and reintegration and for security sector reform in African States.

Recognizing the fact that natural resources can be instrumental to the continuation of conflicts, the EU welcomed the outcome in June this year of the United Nations Expert Group Meeting on Natural Resources and Conflict in Africa.

Migration issues are an integral part of development. Over the last few years, the EU has been moving towards a holistic approach to migration, taking into full consideration the relationship of migration with development. Europeans and Africans adopted a political declaration and an action plan at the Euro-African regional Ministerial Conference on Migration and Development, held last July in Rabat. Preparations are under way for another conference on the subject, scheduled for Tripoli in November.

Health is at the core of development. It is a key element in reducing poverty and in promoting human security. The Abuja commitment of African leaders aiming at increased health sector financing is a clear recognition of that fact. After many years of impressive gains in human health worldwide, we are now in a situation where countries are unable to cope with the burden of disease imposed on their health systems. That is due to inherent weaknesses in national health systems, unpredictable and uneven funding and the dire lack of skilled human resources. Moreover, without skilled and motivated health personnel, any health sector intervention is bound to fail. The EU is presently preparing an action plan to address the crisis in human resources for health.

The global efforts to roll back malaria highlight many of the key weaknesses and possibilities for the health sector. Even though malaria is a global problem, it particularly concerns Africa, with a disproportional effect on poor people and taking a specific toll on women and children.

The EU welcomes the World Health Organization (WHO) report on the Decade to Roll Back Malaria in Developing Countries, Particularly in Africa (A/61/218 and Corr.1). The facts given in the report are a cause of concern. We would especially like to draw attention to the need to support the WHO in its role to ensure adherence to evidence-based malaria policies and strategies and the necessity to harmonize activities at the country level. Malaria-specific interventions need to be accompanied by simultaneous strengthening of health systems as well as by supporting actors outside the public health care system. We must therefore reaffirm our commitment to work with African countries to scale up malaria control interventions and reduce the burden of this disease.

The EU will also support endeavours to ensure access to antimalaria drugs. Along with attempts to stimulate research and development, to lower prices of new drugs and to enhance procurement and distribution, it is also crucial to closely monitor the impact of new treatments and problems of drug resistance and to strengthen community knowledge, including by encouraging proper use of insecticide-treated bed nets and other preventive and awareness-enhancing measures.

HIV/AIDS also continues to pose immense challenges to health systems everywhere and especially in Africa. The EU will support the "treat, train and retain" initiative, which attempts to bring together HIV/AIDS and health systems challenges, for which there is clearly an urgent need.

Let me conclude by saying that, above all, Africa needs peace and stability. The European Union's commitment to Africa results from our belief that the promotion of peace and sustainable development in Africa constitutes one of the key challenges to the international community today. Our relationship with Africa is conducted in a spirit of equal partnership and is based on a firm, shared commitment to democracy, the promotion of human rights, good governance and respect for the rule of law, as well as to mutual respect and accountability. In all its endeavours, the EU continues to honour this commitment.

**Ms. Rouse** (Grenada): At the outset, permit me to congratulate you, Madam President, on the sentiments conveyed in your statement, which serves as a useful guide to our deliberations this morning. I am honoured to join in today's debate on agenda item 62 (a), entitled "New Partnership for Africa's Development: progress in implementation and international support", on behalf of the member States of the Caribbean Community (CARICOM). CARICOM fully aligns itself with the statement delivered by the representative of South Africa on behalf of the Group of 77 and China.

The Caribbean Community shares a special kinship with Africa and its developmental process. We share a sense of common historical experience, a common descent and identity. I make particular reference to efforts to build on this kinship with the hosting in Kingston of the 2005 Caribbean Diaspora Conference, in collaboration with the African Union and the Government of South Africa. The Conference was specifically designed to create linkages between Africa and the diaspora and to initiate a dialogue on common challenges. It was also aimed at strengthening partnerships and cooperation between the peoples of the two regions and establishing mechanisms for building stronger political and economic relations between Africa and the Caribbean for our mutual benefit.

CARICOM is pleased, therefore, to note the contents of the Secretary-General's fourth consolidated report (A/61/212), five years after the adoption of the New Partnership for Africa's Development (NEPAD). We also take note of the second report of the Secretary-

General's Advisory Panel on International Support for the New Partnership for Africa's Development (A/61/138) and commend the Chairman and members of the Panel for their contribution. We welcome the progress made by African leaders to implement NEPAD and the support committed by the international community. We see a great future ahead for Africa, socially, economically and politically.

CARICOM welcomes progress made in key priority areas of NEPAD. The year 2006 has seen a positive start to delivery on commitments by the international community. Much has been achieved with infrastructural development, and we commend the efforts of cooperation between the NEPAD secretariat and the African Development Bank in implementing several important projects. With the increase in global activity, CARICOM applauds the establishment of the NEPAD e-schools initiative, with the e-Africa Commission. Involvement of the private sector is also commendable, and we call for continued cooperation among the various sectors in order to achieve this important NEPAD objective.

CARICOM also welcomes the initiatives taken by the G8 countries and countries of the South to deliver on the promises made with respect to Africa's continued development. CARICOM is in total agreement with the view that partnership is the key element in NEPAD implementation. The theme chosen for the Assembly's general debate this year — "Implementing a Global Partnership for Development" — could not be more timely.

NEPAD has become known worldwide, and apart from the United Nations system, several other international and private sector organizations have been able to identify with NEPAD, which augurs well for the future of the initiative. CARICOM has taken note of progress in the area of education, environmental sustainability, agricultural initiatives, scientific and technological advancement, the strengthening of health systems, gender mainstreaming and civil society participation, among other areas. Several of these programmes are now ready to be implemented, and we encourage NEPAD leaders in their efforts to put into place institutional arrangements to accelerate implementation.

CARICOM is well aware that there are several constraints and mitigating factors that may hinder implementation in some areas. Recent developments with respect to international trade, growing security concerns and new political and economic realities continue to face us in all regions of the world. For Africa, this has proven to be particularly challenging. The international community has a significant role to play and a promise to keep in support of the African leaders' common vision and shared commitment to eradicating poverty on the continent. We therefore underscore the need to give Africa the necessary resources, including through increased official development aid and technical assistance in support of the implementation of NEPAD.

The United Nations system also plays a critical role in this regard, and we therefore welcome ongoing efforts to improve coordination of United Nations work in support of NEPAD.

CARICOM stands ready and willing to assist Africa through this process as we grapple with our own integration process. We are confident that we can share in achievements and lessons learned, and together we can join with our global partners to achieve the Millennium Development Goals and make this world a better place for all humanity.

**Mr. Gatan** (Philippines): I have the honour to speak on behalf of the member countries of the Association of Southeast Asian Nations (ASEAN), namely, Brunei Darussalam, Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam. ASEAN aligns itself with the statement made by the representative of South Africa on behalf of the Group of 77 and China.

It is very encouraging to note the vocabulary and tone of the Secretary-General's progress report on the causes of conflict and the promotion of durable peace and sustainable development in Africa (A/61/213), which underscores development momentum in the region and the reduction of conflict. However, the report also notes the potential for relapse. Furthermore, the fact that some situations in the region have worsened points to the need for deeper understanding of the root causes of conflict. Available insight appears to be insufficient to anticipate and prevent violent outbreaks that would hinder development and effectively suspend implementation of the New Partnership for Africa's Development (NEPAD).

There is no denying that NEPAD can play and is playing a vital role in transforming the political culture

of its member States. To achieve such transformation, however, requires the full participation of all stakeholders. In addition, technical and financial assistance is required to ensure that its political agenda is realized. That requires adequate and predictable funding from both domestic and international sources. In particular, NEPAD's Peer Review Mechanism is an innovative and effective instrument for the promotion of democracy. The Secretary-General's report assures us that the African Peer Review Mechanism is enjoying some measure of success.

A strong NEPAD will contribute to conflict resolution, because it recognizes the dangers of war. Conflict is a hindrance to sustainable development because it disrupts and destabilizes the economic environment. Development depends upon and thrives in conditions of peace. The inability to forecast the likely outcome of investments will make such activity a difficult exercise because sudden destruction threatens everything, including human lives.

But there are known strategies for reducing and eliminating the possibility of war. The Secretary-General's report is correct in asserting that decent employment and access to productive resources can prevent the recurrence of conflict. On that basis, better policies must be implemented to stimulate strong economic growth and give people, especially young people, the assurance of a brighter tomorrow.

While the primary responsibility for these changes rests with Africa's leadership, international support is vital for success in these endeavours — pledges and commitments should be fulfilled. There must be greater flow of financing for development and the strength of Africa's export capacity must be built up through genuinely free and fair international trade. Aid for trade has a key role to play in this regard.

South-South cooperation complements North-South relations and forms an integral part of international support. In particular, two sources attract attention: the Non-Aligned Movement Centre for South-South Technical Cooperation (NAM CSSTC) in Jakarta and the New Asian-African Strategic Partnership.

Over the period 2001 to 2006, the Centre, which was established by Indonesia and Brunei Darussalam in 1995, implemented 28 programmes that benefited close to 800 individuals from 84 developing countries, including countries from Africa, and 23 international institutions. The programmes involved exchange and dissemination of development experience as well as technical assistance and training and were designed to make developing economies more broad-based, efficient and resilient.

In the meantime, the New Asian-African Strategic Partnership, inaugurated in 2005 and co-chaired by South Africa and Indonesia, follows a road map covering three areas of cooperation — political, economic and socio-cultural. In this regard, concrete activities are being pursued in the areas of capacity-building, environmental law and policy, preservation of genetic resources and traditional knowledge and the development of small and medium enterprises among others.

Furthermore, members of the Association of Southeast Asian Nations (ASEAN) have also sought to strengthen trade as well as people-to-people links. They have done so particularly within the context of their cooperation programmes.

In conclusion, preserving the peace and prosperity of their nations is an ideal worth pursuing by Africa's leadership for the good of the continent and its peoples. The common good must always be treated as paramount.

**Ms. Rebello** (India): We thank the Secretary-General for his fourth consolidated report on the progress in implementation and international support of the New Partnership for Africa's Development (NEPAD), and other reports prepared for this joint debate. We associate ourselves with the statement made by the representative of South Africa on behalf of the Group of 77.

India has consistently identified with the aspirations of the peoples of Africa and has maintained long-standing political relations with the countries of that continent. It was in South Africa that Mahatma Gandhi forged the political weapon of "Satyagraha", which means non-violent struggle or passive resistance. His exposure to injustice in Africa transformed an urbane lawyer into an icon for the peaceful and non-violent struggle that evolved into India's struggle for independence. South African President Thabo Mbeki described Mahatma Gandhi as "the beloved son of South Africa" at the centenary celebrations of the launching of the Satyagraha movement in South Africa.

India's first Prime Minister, Jawaharlal Nehru, speaking at the Afro-Asian Conference at Bandung in 1955, described Asia and Africa as sister continents. Like the countries of Africa, India suffered the burdens of colonial domination, economic exploitation and racial discrimination. Even though our own deprivation was considerable, we realized that Africa's tribulations were even greater. India has, therefore, always been a strong and consistent voice in support of Africa at the United Nations and elsewhere.

It is our firm conviction that success in achieving the objectives of NEPAD depends on an African-led and African-developed agenda. With the rich human and natural resources available to Africa, and the commitment of Africa's leaders to achieving the objectives of NEPAD, success can be achieved if NEPAD receives the dedicated support of the international community in realizing the African dream.

The report of the Secretary-General (A/61/212) provides details of the progress made in the various priority areas of NEPAD and analyses the response of the international community in support of NEPAD. The report states that while the past year has witnessed a promising start to delivery on commitments, progress has been more marked on debt relief than on official development assistance (ODA) and trade.

It is heartening that the trend of significant increases in ODA to Africa continued in 2004 and 2005. However, much of the increase in 2005 was on account of huge debt write-offs. The report states that a massive collective increase in ODA is required in 2006 and thereafter in order to meet the 2010 commitments, but that the level of increase is not nearly fast enough to deliver on the pledges made at the Gleneagles Group of Eight (G8) Summit in 2005. The report adds that the observed increase continues to take the form of emergency aid, debt relief and technical assistance.

The Secretary-General's report acknowledges that the substantial progress over the last twelve months in debt relief makes this an area in which the G8 countries have kept their commitments. We would emphasize here that the multilateral debt relief initiative of donor countries should include a commitment to provide additional resources to the international financial institutions to ensure that debt forgiveness does not erode their financial capacity.

Reports on Africa have emphasized that aid should be released in predictable tranches over a long-term period and should be focused on enabling African economies to produce a broad range of goods and to create more jobs. For the success of the international community's current focus on the special needs of Africa and in order to avoid the damage done to African countries through the austerity measures brought in by the International Monetary Fund (IMF) through the imposition of structural adjustment programmes in the past, African countries should be allowed to implement their national development policies with national ownership and policy space, instead of with an imposition of intrusive policy conditionalities.

While ODA and debt relief can ease financial burdens, especially in highly indebted countries in Africa, sustained economic growth requires long-term measures, especially in the area of trade. The report of the Secretary-General recommends that initiatives such as aid for trade must complement and not replace efforts to improve market access for African exports and strengthen Africa's participation in world trade.

In this context, the suspension of the Doha Trade Round is a cause for concern. Early resumption of the trade talks, along with adherence to the existing mandate — that is, the mandate of the Doha Declaration, the July Framework and the Hong Kong Ministerial Declaration — is an absolute imperative. The report of the Secretary-General recalls that, at the Hong Kong Ministerial trade talks, agreement was reached to eliminate export subsidies by developed countries on cotton in 2006 and to end all forms of agricultural export subsidies by the end of 2013, with a substantial portion to be lifted as early as 2010. The report also points out that export subsidies represent only a small share of the support given to agriculture in countries that are members of the Organization for Economic Cooperation and Development. Much of the support is in the form of trade-distorting domestic price support and agricultural tariffs. Failure to resume the Doha Round of trade talks has negative implications on the food security, livelihood security and rural development of a large number of poor and marginal farmers in developing countries, especially those engaged in subsistence farming.

The report of the Secretary-General highlights India's cooperation with NEPAD as part of South-South cooperation. It also highlights the projects being

undertaken by India in infrastructure, information technologies and other areas, through the Techno-Economic Approach for Africa-India Movement, or TEAM-9. In addition, India is engaged in several other bilateral initiatives in a number of African countries, as well as a pan-Africa e-connectivity mission.

India has shared its expertise in sectors such as infrastructure, pharmaceuticals, health care and information technologies, among others, with the aim of building capacity and technology transfer for the benefit of African countries. The Indian Technical and Economic Cooperation scheme, which provides training programmes to over 150 countries, including most African countries, has been running since 1954, providing scholarships to African students interested in studying in India and sending Indian experts to Africa for training.

*Mr. Al-Murad (Kuwait), Vice-President, took the Chair.*

India's cooperation programme with Africa currently amounts to about $1 billion. India's efforts, as well as those of other partner countries from the developing world, form a part of South-South cooperation. Contrary to the suggestion of the Advisory Panel on International Support for NEPAD, these efforts should not be lumped together with those of the developed countries, either in calculations of volume of aid moving to Africa or in monitoring such aid.

The Secretary-General's most recent report on the causes of conflict and the promotion of durable peace and sustainable development in Africa (A/61/213) describes recent conflict prevention, peacemaking, peacekeeping and peacebuilding activities in Africa. India has been one of the oldest, largest and most consistent contributors to United Nations peacekeeping organizations, having participated in almost every major operation since the inception of peacekeeping in the 1950s. Indian personnel are currently serving in United Nations Missions in Ethiopia, Eritrea, Burundi, Democratic Republic of the Congo, Côte d'Ivoire, Sierra Leone and the Sudan. Given the need to focus on gender issues in Africa, India will soon despatch the first-ever female-formed police unit to Liberia. We expect the all-women unit to be in Liberia by the end of the year.

India has consistently pointed to the need for an integral link between peacekeeping and peacebuilding, which is a prerequisite for investment in the future to protect the hard-won gains of the efforts to establish peace. India, therefore, energetically participated in the deliberations last year on the establishment of the Peacebuilding Commission and welcomed its creation by announcing a contribution of $2 million. We have emphasized national ownership of the peacebuilding process, and we have been closely associated with the holding of the first two country-specific meetings of the Peacebuilding Commission. We will remain engaged in efforts to define the role and method of work of this new body.

Turning to the agenda item on the rolling back of malaria in developing countries, particularly in Africa, we believe that there is need for wider recognition that malaria is largely a killer of children and poor people. It continues to threaten at least three billion people in 107 countries and territories. Each year, more than 500 million people suffer from acute malaria, resulting in more than one million deaths. About 3,000 children and infants die from malaria every day. The disease also has a significant impact on long-term economic growth and development, leading to loss of gross domestic product and the consumption of enormous portions of household incomes and Government health spending. India is familiar with tackling the mosquito menace and fully supports efforts that focus on the prevention and elimination of malaria in developing countries, including in Africa.

**Mr. Berrah** (Algeria) (*spoke in French*): First of all, I would like to thank Secretary-General Kofi Annan for the high quality of the reports that he has presented on follow-up progress in implementing the recommendations on the causes of conflict and the promotion of durable peace and development in Africa and on the implementation and international support of the New Partnership for Africa's Development (NEPAD).

The annual review of progress made in achieving the objectives of peace, security and development in Africa is, without doubt, a very timely opportunity to assess the state of implementation of promises and commitments made internationally in order to assist African countries in their ongoing resolve to reclaim their destiny for a renewal of peace, social progress and economic recovery.

We associate ourselves with the statement made by the representative of South Africa on behalf of the

Group of 77 and China. We would simply like to make a number of additional comments.

To deal with the root causes of conflict in Africa and, at the same time, make the efforts to prevent conflicts more effective and to re-establish, maintain and build peace after conflicts, a combination of short- and long-term actions, based on objective linkages between security, development and cooperation, must be the thrust of our work and our thinking in formulating any type of initiative, be it fundamentally African or not.

And so, here, the African response to the challenges of peace and security has resulted in a new approach based on African capabilities, political will and a strategic commitment to repatriate onto African soil actions aimed at building and consolidating peace.

We have seen this in the security agenda of the African Union (AU), through the establishment in 2002 of a Peace and Security Council, which is an initial institutional step to support the peaceful settlement of disputes. Its action is part and parcel of a structural strengthening of peace, which integrates in an extremely serious way a proactive dimension and a preventive dimension in order to minimize the risks of conflict breaking out.

Building peace, as pointed out by the Secretary-General in his report on the implementation of support and recommendations on the causes of conflict, also involves the ongoing building of the rule of law and the promotion of instruments to protect human rights and fundamental freedoms. It is precisely in this spirit that the African Union, in 2002, instituted an African Peer Review Mechanism, which is completely voluntary and which seeks to put the management of the public affairs of an African country in the hands of its peers and very successfully highlights the commitment of Africa to transparency and good governance.

The economic and social development of nations is the most favourable context for building lasting peace and socio-political stability. On the basis of that principle, the AU economic programme, NEPAD, is also a peace and security initiative.

Fully African in purpose and inspiration, NEPAD is premised on the idea of freeing the continent of conflicts and combating the political and social vulnerabilities that cause them and fighting underdevelopment. Through its ambitious multisectoral programmes, it aspires to assert Africa's political will to reassume responsibility for resolving its own problems and to fulfil its aspiration to be marginalized no longer.

However, that ambition conflicts with a familiar — but no less devastating — record characterized at the internal level by extreme poverty, substantial migratory flows, the breakdown of economic and social systems and the absence of development infrastructures. At the external level, while the countries of Asia, Latin America and Central and Eastern Europe are emerging in the sphere of international economic relations, Africa — which represents a quarter of the Organization's Member States and 12 per cent of the world population — accounts for only 1 per cent of the world's gross domestic product (GDP) and 1.8 per cent of international exports.

To climb out of that socio-economic morass, NEPAD has implemented an ambitious programme whose viability depends largely on consistent resources to feed it — estimated at $64 billion per year, or 12 per cent of the continent's GDP. It supplements insufficient internal resources with public and private external financing and calls for greater access to Western markets for African exports.

In its implementation cycle, the programme relies in the short term on traditional, but improved, means of development: greater official development assistance (ODA) and swifter debt relief. Over the long term, it seeks to reduce dependence on aid. To that end, it favours foreign direct investment as a source of supplementary financing.

In the wake of the NEPAD implementation process, African countries have had to identify more clearly the constraints and structural obstacles impeding continental economic integration and a multitude of development projects. Those obstacles and constraints — several of which are highlighted in the Secretary-General's report — include weak institutional capacities and uneven development of the subregional pillars of continental integration, which do not promote the complementarity or optimal use of African capacities and experiences; insufficient financial resources; the scarcity of skilled labour; limited private-sector participation in NEPAD's implementation, accompanied by the late arrival of sufficient amounts of foreign direct investment; ODA

that remains below the set targets and is always largely consumed by the costs of expertise; and an economic, financial and trade environment that does not value African countries' efforts to emerge from underdevelopment.

The quest for regional stability in Africa has led the African Union and NEPAD to make cooperation an integral and even decisive component of achieving collective security and development at the continental level. That imperative is fully justified in the global context following 11 September 2001, where poverty has emerged as one of the causes of terrorism. The struggle for development has thus become a global priority, and NEPAD has become the reference framework within which the international community — particularly the United Nations system — should focus its African development efforts.

A partnership for security in Africa depends to a large degree on continental and international mobilization. Such general mobilization should be based on the strengthening of regional and local mechanisms for conflict prevention, management and resolution, particularly through the training of mediators and negotiators in the cultural foundations of peace. It should also be based on a peace diplomacy charged with creating conditions for the peaceful resolution of disputes — a diplomacy whose ultimate goal would be that set by the Fifth Ordinary Session of the Assembly of Heads of State and Government of the African Union, held in July 2005: to achieve a conflict-free Africa by 2010.

Enhanced cooperation between the African Union and the United Nations system is another important area of work, because it would enable the Union to benefit from the Organization's expertise and broad experience in the area of peacekeeping. It would also facilitate the Union's access to additional resources for conducting its own operations.

In that connection, the establishment of the Peacebuilding Commission in December 2005 is part of a complementary approach in which the Commission, in close collaboration with other major United Nations organs, maintains the level of attention and assistance accorded to countries emerging from conflict, particularly in Africa — Burundi and Sierra Leone, for example.

In addition, to improve on an unsatisfactory assistance relationship, NEPAD calls for the establishment of a genuine partnership with industrialized countries and multilateral institutions on the basis of shared responsibilities. In that regard, we welcome the partnership established between NEPAD and the Group of Eight (G8) and the G8's commitments to support African efforts. Likewise, we welcome the many initiatives carried out by a number of developed countries to support Africa. Whether multilateral or bilateral, such initiatives are to be encouraged.

We remain convinced that, if we are to succeed in the gamble of an effective partnership that produces economic and social benefits, the support of development partners should be expressed not only through coherent international cooperation policies that provide Africa with a comprehensive response and the means to attain its objectives, but also through the establishment of a more favourable environment for the access of African products to international markets.

Accordingly, as the basis for a genuine solidarity policy, the objective of allocating 0.7 per cent of the gross national product of industrialized countries to ODA and providing total foreign debt relief to sub-Saharan Africa should become a tangible reality — and no longer be just a political and moral platitude — so that the actions of those countries will live up to their statements.

For its part, the United Nations system must play a significant role in helping to support African efforts. Operational activities are of great importance in that regard and could have greater visibility if they had a solid footing and a clear framework.

To conclude, I cannot fail to stress the importance of the role of the Office of the Special Adviser on Africa, whose efforts demonstrate — if that were necessary — the commitment of the United Nations to ensure regular follow-up on the international support for NEPAD.

**Mr. Nsengimana** (Rwanda): I wish to thank the President of the General Assembly for convening this important joint debate on agenda item 62 (a), "New Partnership for Africa's Development: progress in implementation of international support", and item 62 (b), "Causes of conflict and the promotion of durable peace and sustainable development in Africa". I also wish to thank the Secretary-General for his report on the item under review. Rwanda associates

itself with the statement made by the representative of South Africa on behalf of the Group of 77 and China.

We believe that this General Assembly debate provides a good opportunity to discuss critical issues related to the speedy implementation of international support to the New Partnership for Africa's Development (NEPAD).

Rwanda is strongly committed to the ideals and vision of NEPAD, which, we believe, are very critical to the socio-economic transformation of Africa.

Rwanda was among the first countries to submit to the scrutiny of our peers under NEPAD's African Peer Review Mechanism (APRM). The Review Mechanism is founded on the principle that peace, security and good governance are the firm foundations for sustainable development. It entails a collective political commitment to implementing best governance practices and to accepting review by our peers on the basis of these standards.

In Rwanda, the Review Mechanism gave us the opportunity to measure our national governance initiatives against the benchmark of international standards and to provide a forum for broadening national dialogue on these initiatives.

For post-conflict countries, the Review Mechanism provides a rare opportunity to initiate reforms. The Secretary-General's report on the causes of conflict also recognizes the opportunities to create new governance structures in post-conflict situations. We welcome this recognition.

Our experience as a pioneer Peer Review Mechanism country was recently shared at the Sixth African Governance Forum in Kigali, Rwanda. We are committed to continue to share our experience in the spirit of mutual learning, particularly with countries emerging from conflict.

It is also important to note that at last June's Peer Review Meeting in Banjul, at which Rwanda was subject to review, a resulting programme of action was endorsed by participating heads of State. Rwanda's implementation of this programme of action is already under way. However, we would like to encourage our friends and partners to join us in its comprehensive and accelerated implementation.

The imperative for the integration of African economies has been well articulated under NEPAD and facilitated by its infrastructure programmes. Unfortunately, these well-meaning initiatives remain on the drawing board five years after NEPAD's inauguration. The delays in the implementation of these initiatives seem to emanate from the failure on our part to mobilize sufficient domestic resources for their financing. On the other hand, our delays have been compounded by our partners' ongoing political commitments, which have caused the postponement of concrete disbursements.

It is my hope that this debate shall be the catalyst that will stimulate the needed progress in this regard.

**Mr. Chulkov** (Russian Federation) (*spoke in Russian*): In order to save time, I will abridge my statement, but the full text of our delegation's statement has been submitted to you for distribution.

The Russian Federation welcomes the progress achieved during the recent years in settling conflicts in Africa, above all, in Sierra Leone, Liberia, Burundi and the Democratic Republic of the Congo. Still, much remains to be done until definitive stabilization of the situation in the continent is reached. We attach great importance to the elaboration of agreed comprehensive steps to the settlement of conflict situations in the region, which must be based on giving priority to political and diplomatic approaches and the unconditional compliance with norms and principles of peacekeeping, as provided for in the Charter of the United Nations.

During its presidency of the Group of Eight (G8), the Russian Federation has promoted the inclusion of African issues on the G8 agenda as one of its priorities. During the St. Petersburg summit, the G8 leaders discussed in detail the issues of peace and development in Africa and established guidelines for future assistance to the continent.

In accordance with its status as a permanent member of the Security Council, the Russian Federation has made a substantial contribution to peacekeeping activities in Africa, including the development within the framework of the Council, of strategies to settle specific armed conflicts and the adoption of mandates for relevant peacekeeping operations in order to support such operations in Africa.

We continue to provide assistance in training African peacekeepers. We envisage a potential increase

of our cooperation with African countries in this area. We intend to further contribute to the development of African countries' own anti-crisis capacity.

We support new rational methods in the practice of United Nations peacekeeping activities, while maintaining compliance with all existing rules and procedures. The joint activities of United Nations forces must be carried out on the basis of Security Council authorization on the principles of full respect for the sovereignty of individual countries and the consent of the troop-contributing countries, and should not exceed the mandates of specific missions.

In the context of efforts to stabilize the post-conflict situations in Africa, we see substantial potential in the Peacebuilding Commission. We are looking forward to a substantial contribution by the Commission to the resolution of issues associated with definitive normalization and measures to ensure sustainable development in Sierra Leone and in Burundi, and in the long-term, in other African countries emerging from crises.

We have taken note of the ideas contained in the report of the Secretary-General on the causes of conflict and on the need to elaborate so-called millennium peace and security goals in Africa. We believe that this idea should not run counter to the already existing initiatives in this area, and therefore requires, in our view, further careful study.

The Russian Federation would like to express its gratitude to the Secretary-General for his detailed and comprehensive report on implementation of the New Partnership for Africa's Development (NEPAD). From the very beginning, Russia has supported this initiative. As a responsible member of the international community and a member of organizations that are friendly towards Africa, such as the Group of Eight, we are continuing to increase our contribution to the accelerated development of that continent.

A major area of Russian assistance to Africa is alleviation of the debt burden of the countries of the region within the framework of the Heavily Indebted Poor Countries Debt Initiative (HIPC). To date, Russia has written off or committed to write off African debt worth $11.3 billion, including $2.2 billion within the HIPC Initiative. In 2003-2004, Russia made an additional contribution to the HIPC Trust Fund in the amount of $10 million. In 2005-2006, yet another additional contribution of $15 million was made to the Trust Fund. This year, we intend to additionally write off bilateral liabilities of African countries for the total amount of over $700 million. Russia participates in the International Development Association (IDA) replenishment for 2003-2011 in the amount of $30 million. The Russian contribution to the fourteenth IDA replenishment for 2006-2014 has been earmarked at approximately $60 million. The share of sub-Saharan African countries will total 49 per cent of that amount. Russia is contributing to the development of energy security on the continent. We intend to contribute $30 million to the Global Village Energy Partnership in order to expand its activities in sub-Saharan Africa.

Broad trade preferences have been offered to the countries of Africa. Most of their export commodities are imported into Russia on preferential terms. Customs duties and fees on goods imported from the poorest countries are not assessed. We are intensively developing our cooperation in a number of major investment projects in Africa. We understand the importance of human resources development on the African continent, and for that reason we are providing substantial training support to African countries. To date, over 4,500 African students are studying in Russian higher education institutions, approximately 75 per cent of whom receive scholarships from the Russian federal budget. For the 2006-2007 academic years, African countries have been allocated approximately 750 scholarships. In April 2006, a decision was taken on Russia's participation in the initiative on the expedited funding of the Education for All programme and a contribution was made to its funds of $7.2 million for 2006-2008.

An important element of our work with Africa is assistance in public health. The final document on this agenda item of the Saint Petersburg Summit sets out a comprehensive long-term strategy of global efforts in this area that has already been highly appreciated by the World Health Organization (WHO). While we positively assess the efforts on combating malaria undertaken through WHO, UNICEF and other partner organizations, in particular the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria, Russia calls for further increased and agreed international measures within the framework of the United Nations to reduce the spread of this disease, with overall coordination by WHO and financial support from the Global Fund. In 2005, Russia paid its contributions to the Global Polio

Eradication Initiative in the amount of $8 million. We have fully implemented our commitment to contribute in 2002-2006 $20 million to the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria. In 2005-2008, Russia will contribute an additional $20 million to that Fund. In addition, we have made the decision to reimburse during 2007-2010 the grants that were earlier provided through that Fund to support relevant projects in Russia. Thus, the Fund will have an additional approximately $217 million at its disposal.

Russia is also providing humanitarian and special economic assistance to African nations. This year a decision was made on Russia's participation in financing the IMF programme to provide assistance to the poorest countries that have suffered from external shocks, by making a voluntary contribution in the amount of approximately $45 million in 2006-2010.

Last year was an international pledge year to assist implementation of NEPAD. The current year is the year of implementation of those commitments. Those commitments will be reconfirmed at the regular seventh meeting of the African Partnership Forum late in October 2006 in Moscow. On the agenda are issues directly related to implementation of the NEPAD programme. We believe that with the good will of the international community in solidarity with the African continent, we can together promote substantial modernization of Africa.

**Mr. Hachani** (Tunisia) (*spoke in French*): I would like to endorse fully the statement made by South Africa on behalf of the Group of 77 and China. I will focus on certain points that are particularly important for Tunisia.

The increasing interest of the international community and the United Nations system in particular towards Africa is twofold. First, the African continent is a prey to poverty, conflicts and pandemics, which can explain its overall delays in meeting the timetable agreed for the achievement of the Millennium Development Goals. Also, Africa is an active and vibrant continent, which is taking responsibility and deploying political and economic efforts at the national and regional levels to come to terms with itself and to find a way out of the situation.

In this framework, the New Partnership for Africa's Development (NEPAD), with its holistic development approach, constitutes a global and integrated programme in the service of the development of Africa and a basis for cooperation with its partners. However, despite the firm will of African countries and the commitment of its partners, the implementation of this significant African programme still requires greater mobilization by the international community and better harmonization of the instruments of intervention. Certainly, progress has been made since last year, particularly with regard to debt reduction, thanks to international support, but the situation risks being reversed if the support provided by Africa's partners is not consolidated and increased and value added in the long term.

The fourth report of the Secretary-General on the implementation of international support for development for NEPAD is both optimistic and contradictory with regard to the impact and scope of progress made. On the one hand, it shows that there is a new impetus promoting African development, but it is not solid enough to be sustainable. On the other hand, it asks development partners to put flesh on the bones of their commitments, particularly with regard to official development assistance, free market access and trade diversification. In this respect, I would like to welcome the steps made in 2006 by the developed countries to dismantle the cotton subsidies that have been a source of suffering for African countries.

Trade assistance should be complementary to market access and not a substitute for it. In the 2006 report of the United Nations Conference on Trade and Development (UNCTAD) on the economic development of Africa, entitled "Doubling Aid: Making the 'Big Push' Work", UNCTAD suggested that there should be a new Marshall Plan to help Africa that would involve doubling aid to the region, redefining relevant mechanisms and streamlining our methods of intervention. According to UNCTAD, that new approach would enable Africa to achieve the necessary growth to meet the Millennium Development Goals (MDGs).

The interaction between poverty, conflicts and pandemics is clear. Any new recovery strategy must simultaneously address those three obstacles to development. Economic growth, human development and political stability must be part of a systematic vision and must not be addressed in a separate and distinct manner. NEPAD's approach incorporates that vision.

My delegation shares that vision and believes the macro-economic reform process, the political stabilization process and human development require financial, human and technical resources that currently are beyond the reach of certain African countries. For that reason, there is a structural need for external help in order that we may meet the targeted objectives and priorities. That fertile environment is also a prerequisite for NEPAD. There needs to be a stable and ongoing balance between the development goals of Africa and the constraints brought on by globalization. The goal is to enable Africa to adapt and to speed up its process of integration in the world economy.

On the other hand, it is important to strengthen national and regional capacities with regard to the implementation of NEPAD and to insure coherence and coordination between national development plans and the NEPAD priorities. We must also insure the conditions for better participation of the private sector in the implementation of the programmes and projects of NEPAD.

I would like to point out that in the 2005 Summit Outcome (resolution 60/1), the heads of State and Government decided unequivocally to provide coherent and regular support to NEPAD programmes. Along the same lines, Tunisia welcomes the conclusions of the Committee for Programme and Coordination with regard to the renewed commitment of the United Nations to provide active and coordinated assistance to the various aspects of NEPAD and the need to identify innovative sources of funding for its priorities.

Before concluding on that point, I would like to express the appreciation of the Tunisian delegation for the untiring efforts made in that respect by the Special Adviser to the Secretary-General on Africa, who is in charge of, inter alia, relations with NEPAD, and whose office should be further strengthened.

In this combined discussion, another subject of much interest for Africa and the international community should be mentioned — namely, the management of conflict and post-conflict situations and the promotion of a lasting peace in Africa. Those are questions my delegation would now like to comment upon.

With regard to political instability and conflict and post-conflict situations, my delegation feels that in order to bring concerned countries back to the path of reconstruction and development, we need international, political and economic support that is more robust and better targeted. In that framework, the creation of the Peacebuilding Commission constitutes a new instrument that will be particularly useful for Africa. Africa has the greatest number of conflict and post-conflict situations, and it also provides 75 per cent of the military police and civilian contingents that make up United Nations peacekeeping operations.

In that respect, I wish to stress the beneficial role of the African Union, in particular the Peace and Security Council, which is the structure for consolidating peace and security in material, political, legal and institutional terms. In that framework, better structured cooperation between the African Union and the United Nations is required in order to promote the establishment of an African capacity for conflict prevention, peacekeeping and peacebuilding. Without the commitment of all partners, the ambitious objective — a conflict-free Africa by the year 2010 — will be difficult to bring about.

**Mr. Al-Najem** (Kuwait) (*spoke in Arabic*): My delegation is pleased to participate in the discussion of the item entitled, "New Partnership for Africa's Development", and has read with great interest the fourth report of the Secretary-General on the progress achieved in providing international support to the initiative of the New Partnership for Africa's Development (NEPAD). Kuwait attaches great importance to that question, as it affects the interests and concerns of the African countries with which Kuwait maintains strong historic relations.

Five years have elapsed since the African leaders adopted the NEPAD initiative, which is aimed at achieving equal growth on a large scale. That would enable Africa to alleviate poverty and to be better integrated in the world economy. Kuwait hopes that the resolutions adopted by many international conferences with a view to achieving sustainable development will help in establishing the basis for a partnership between developed and developing countries. That partnership would contribute to the stability and development of economic relations between those countries through the establishment of a fair and balanced framework for international trade, thus allowing each party to assume its own responsibilities in satisfying the special needs of Africa.

The efforts of the African countries to overcome the vicious cycle of eliminating the burden of

indebtedness on one hand, and ensuring the financial resources for its development goals on the other hand, reflect the most significant challenges facing the African continent. Some heavily indebted African countries benefited from writing off bilateral debts, which some donor countries have announced. Those efforts include the decision taken by the G8 countries to cancel, multilaterally, 100 per cent of the debts owed mostly by low-income African countries and to write off debts of $40 billion, and the International Monetary Fund initiative to cancel the debts of 27 African countries in the amount of $25 billion.

Such cancellations are a positive step that has drawn the attention of the State of Kuwait, which — long before the announcement of the NEPAD initiative — had already begun to alleviate the debt burden for African countries. Those efforts are illustrated in the statement made by the late Amir of Kuwait, His Highness Sheikh Jaber Al-Ahmad Al-Jaber Al-Sabah, at the forty-third session of the United Nations General Assembly, in 1988, when he called upon the international community, especially the donor countries, to take action to alleviate the burden of debts that encumbered the economies of developing countries, and to cancel the debts of countries whose economies were experiencing difficulties.

The Kuwait Fund for Arab Economic Development has contributed to the alleviation of foreign debts for 14 African countries in the framework of the Heavily Indebted Poor Countries (HIPC) initiative, by reducing debts due to the Fund by those countries and by rescheduling those debts over a period of 40 years, including a 16-year grace period with an interest rate ranging from 0.5 per cent to 2.0 per cent. Those terms are considered more attractive than the initial terms for those loans.

The Fund is also working to alleviate the debts of other African countries within the framework of the HIPC initiative. In the context of the principle of partnership among developing countries themselves, mention should be made of the role of the Organization of Petroleum Exporting Countries (OPEC) Fund for International Development, acting within the HIPC initiative, to alleviate the foreign debts of 18 African countries.

The solution to the problem of indebtedness and the cancellation of debts will not be useful or effective if it is not associated with the means to provide the funds necessary for development assistance. Kuwait is proud to abide by all of its international obligations and to pursue its contributions for supporting economic development programmes in developing countries through the Kuwait Fund for Arab Economic Development, which has granted development loans in the amount of $12 billion to more than 100 countries around the world; 40 per cent of those countries are in Africa. Thus the overall average Kuwaiti official development assistance is almost double the agreed United Nations target of 0.7 per cent of the gross national product for the developed countries. Last August, within the framework of international efforts to eradicate poverty, Kuwait announced a donation of $300 million for the efforts of the Islamic Development Bank for development in Africa.

The Kuwait Fund for Arab Economic Development has contributed resources to many development institutions in Africa. The African Development Fund was granted development assistance amounting to $205 million as of October of 2006, the African Development Bank received $117 million, the Arab Bank for Economic Development in Africa received $50 million, while the International Fund for Agricultural Development (IFAD) Special Programme for Sub-Saharan Africa was granted financial aid in the amount of $15 million.

The Kuwait Development Fund has contributed more than $100 million to many rehabilitation programmes that build upon the success of the first phase of the fight against river blindness. Kuwait's contributions have continued in later phases up to the year 2003.

It is noteworthy to mention the Kuwait Development Fund's contribution to the Foundation for Tropical Diseases, where the Fund is a founding member. Mention should also be made of the Fund's contribution to the International Development Law Institute.

Kuwait has efficiently contributed through the OPEC Fund to many development projects in developing countries, as 119 countries have received assistance from the Fund — including 46 African countries. The soft loans granted up until August 2006 amounted to $5.4 billion.

This principle of partnership includes the OPEC Fund's contribution to the capital of the Common Fund for Commodities and the grant of loans to assist

countries in subscribing to the Common Fund, as well as the OPEC Fund's contribution to the special account for the fight against HIV/AIDS.

In conclusion, I would like to emphasize certain points. It is important for African countries to exert significant efforts in order to promote NEPAD at a global level, and not to limit their efforts to some donor countries or certain continents. They must increase global awareness of African problems, include NEPAD, within the institutional framework of the African Union and its various operations. They must provide more assistance to the private sector, as well as increase awareness of efforts within civil society. Partnership is not something transitional, but is a long-term exercise and warrants continuous assessment. Here, we welcome the pioneering goal of this global Organization to mobilize international support for NEPAD.

We would like to express our appreciation to the Secretary-General for establishing the Advisory Panel on International Support for NEPAD. African countries exerted significant efforts to satisfy the previous demands of the international community in assuming, by themselves, the major role in achieving stability in Africa. They have done this in order to encourage donor countries and the private sector to offer the necessary economic and technical support to the African countries. The fourth report of the Secretary-General on progress made in the implementation of and international support for NEPAD (A/61/212), shows the diversification of economic and export structures in Africa, which is essential for the promotion of growth and the acceleration of development in Africa.

Building infrastructure for trade and improving exports are all efforts that will improve the opportunities and the prospects for the entry of African exports into the international markets. The time has come for the international community to take more decisive steps to encourage and support African efforts through an increase in the technical, political and financial support that must accompany the significant efforts being made to prepare the peaceful environment needed for development.

**Mr. Elbakly** (Egypt) (*spoke in Arabic*): At the outset, I wish to thank the Secretary-General for his report on the New Partnership for Africa's Development (NEPAD) (A/61/212), his report on the causes of conflict and promotion of durable peace and sustainable development in Africa (A/61/213), as well as his report on international efforts aimed at combating malaria (A/61/218 and Corr.1). We would like to align ourselves with the statement delivered by the representative of South Africa on behalf of the Group of 77 and China.

The fourth progress report of the Secretary-General on the implementation of NEPAD coincides with the fifth anniversary of the Partnership's adoption as a visionary initiative originating from within Africa and aimed at addressing the problems and challenges facing our continent. While the report acknowledges the existing new momentum for development in Africa, as well as some progress in the implementation of a number of projects in various fields, we agree with the Secretary-General that international support to Africa has not yet reached the level needed to empower NEPAD with a self-propelled and irreversible momentum. I must emphasize in this context that all parties must live up to their commitments to the special needs of Africa, as decided by the heads of State and Government in the Millennium Declaration and in the 2005 World Summit Outcome.

In that context, we also wish to stress the vital priority that Egypt accords to the agriculture and trade sectors of NEPAD, which are coordinated by Egypt. We welcome the reference in the report of the Secretary-General to the progress made in the implementation of the Comprehensive Africa Agriculture Development Programme. However, we believe that the ongoing preparatory process and proposal making should not be prolonged and should quickly lead to the next phase of actual implementation. Egypt accords particular importance to the further mobilization of efforts for the implementation of that programme.

Since we acknowledge the important role of trade in the development process, we wish to draw particular attention to the issue of diversification of African exports and to the protection of fragile economies from fluctuations in the world market for raw materials, upon which many African economies are dependant. Furthermore, it is important to focus further international efforts on improving market access for African exports to the markets of developed countries.

Africa is aware of the myriad challenges it is facing on its path to development and poverty alleviation, based on the implementation of the

objectives and programmes of NEPAD. Thus, we attach particular significance to taking the appropriate measures aimed at addressing institutional issues related to the increased integration of NEPAD in the structures of the African Union, as well as to providing increased support and encouragement to the private sector as a partner in the implementation of the initiative and its objectives.

To that end and in keeping with its responsibilities and commitments, Egypt announced, during the meeting of the NEPAD Implementation Committee at the summit level at Sharm el-Sheikh in 2005, that it is placing all its training and rehabilitation institutes and scientific and technological research facilities at the disposal of African countries. Egypt wishes to join its African brothers and sisters in calling for increasing the effectiveness of the contribution of the United Nations system to the regional and international development efforts in Africa. That can be achieved through interaction and coordination between United Nations organs, funds, programmes and specialized agencies on the one hand, and the African Union organs on the other, so as to ensure the mobilization of increasing international support for NEPAD.

The Egyptian delegation wishes to stress once again the special importance of the annual report of the Secretary-General on the causes of conflict in Africa, which has previously included a consolidated and unique view of the achievements made and the threats and challenges facing the realization of peace and security on the continent.

While the focus of the report this year is on the issue of improving political and economic governance as one of the important elements of conflict prevention and peacemaking, we need to avoid addressing the responsibilities and causes of conflict in Africa exclusively through the issue of governance. We must give parallel attention to addressing the multidimensional aspects of peace and security and their close and mutual linkage to sustainable development in Africa and the resolution of its political problems, which occupy more than 60 per cent of the agenda of the Security Council.

In that context, we welcome the report's focus on post-conflict peacebuilding and reconstruction and wish to reemphasize the need to reinforce national ownership of peacebuilding activities, as well as African ownership of the means to address security and development issues on the continent, with the required international technical and financial support that rejects conditionality and the tendency to develop trusteeship-like relations with Africa.

The report of the Secretary-General presents numerous important ideas on the promotion of institutional cooperation between the United Nations, the African Union and other subregional organizations in Africa, particularly in the field of building Africa's own peacekeeping capacity.

However, we would wish the report to return in the future to its focus on African priorities in the areas of conflict prevention and peacebuilding as means to eliminate the phenomenon of the illicit traffic in small arms and light weapons and to promote youth employment and empowerment so as to discourage young people from turning to violence and extremism. We also hope that it will focus on the continuing negative implications of the illegal exploitation of natural resources in conflict-affected regions in Africa.

I refer, in that context, to the expert-level meeting hosted by Egypt in cooperation with the Office of the Special Adviser of the Secretary-General on Africa from 17 to 19 June 2006. That meeting addressed the issue from a comprehensive perspective that transcends the relevant section of this year's report of the Secretary-General, which takes a different approach limited to the sound economic management of natural resources. The report further attempts to reinterpret the concept of the legal exploitation of natural resources while ignoring the repercussions of their illegal exploitation by external actors on the fuelling of conflicts, as was established in the cases of the Democratic Republic of the Congo, Liberia and Sierra Leone.

Moreover, the report does not address the close link between the illegal exploitation of natural resources and the illicit trade in small arms and light weapons. In that context, we wish to recall the previous report of the Secretary-General submitted to the General Assembly at its sixtieth session, in which he proposed guidelines and concrete measures to deter the illegal exploitation of natural resources and to pursue and bring to justice those responsible for it.

The report of the Secretary-General on the causes of conflict in Africa presents a set of important recommendations, most notable among which is the

proposal to create millennium peace and security goals that would accord highest priority to the protection of civilians in the overall collective security system. Despite the fact that the report links that proposal to the goal of a conflict-free Africa by 2010, the proposal undoubtedly has implications beyond the borders of the African continent. To that end, we look forward to receiving further information on the scope of the aforementioned proposal and the appropriateness of its submission at a time when developing and least developed countries are struggling to mobilize sustained international attention for their aspirations and concerns with respect to the achievement of the Millennium Development Goals.

While we acknowledge all efforts and initiatives related to combating malaria, we remain unable to achieve our objectives in that respect. The most recent report of the Secretary-General clearly reflects that reality and argues that its primary cause is the lack of sustained international financial support and of appropriate technical capacities to address the pandemic. Hence, there is a clear need for partnership at all levels, the provision of treatment and treated nets at affordable prices, and the development of creative means to intensify individual and collective efforts aimed at the elimination of malaria.

The proposals presented in the report of the Secretary-General contain positive ideas that could be adopted or further elaborated during the upcoming period to meet our objectives. In that context, following its success in totally eliminating the pandemic, Egypt reiterates its readiness to share its expertise in the area of combating and rolling back malaria. We also wish to recall the Egyptian initiative, adopted at the 2005 African Union summit in Abuja, to establish an African regional centre in Cairo for epidemic and indigenous diseases and HIV/AIDS, which would provide and develop vaccines, serums and medications for all such epidemics, including malaria. Egypt looks forward to increasing regional and international efforts to support that initiative, aimed at the alleviation of one of the primary causes of suffering for the African peoples.

**Mr. Tanko** (Nigeria): It is now five years since Africa adopted the New Partnership for Africa's Development (NEPAD) as its development strategy, and four years since the Partnership's endorsement by the international community as the framework for support to Africa. In the intervening years, many positive changes have taken place in Africa, notably the peaceful transfer of power from one democratically elected Government to another in several countries, the resolution of conflicts, and the consolidation of efforts to sustain peace, security and stability in the continent. Those developments have received positive mention in the Secretary-General's reports before us.

Undoubtedly, the obstacles facing the continent are enormous, but so too are the opportunities to transform the lives of our peoples. African leaders remain resolute in their commitment and efforts to resolve conflicts, promote peace and achieve sustainable development. Carefully designed peacebuilding initiatives have been deployed at the subregional and continental levels, including the historic launching of the Peace and Security Council of the Africa Union, the deployment of some of our best troops and police in service under the African Union Mission in Sudan, and continuing exertions in Côte d'Ivoire to create conditions that would make the path of peace secure and irreversible.

Let me, in that regard, recall the statement of President Olusegun Obasanjo to this Assembly on 25 September 2006, which captured the ethos of Africa's challenge. He said:

> "For Africa, the most urgent challenge remains the resolution of conflicts and the maintenance of peace and security as the foundation for socio-economic progress." (*A/61/PV.18*)

Nigeria firmly believes that resolving the conflicts in the Sudan, Côte d'Ivoire, the Democratic Republic of the Congo, Somalia and other troubled spots in Africa merits the best of our efforts.

Nigeria will continue to coordinate efforts with other countries in our region, as well as like-minded members of the international community, to achieve the shared goals of peace and security, stability and development in Africa. Whilst an analytical research of the specific causes of conflict in each situation in Africa is essential to improve the effectiveness of conflict prevention, peacekeeping and post-conflict recovery measures, it is our conviction, however, that only global cooperation would lead to a lasting solution.

Nowhere is such cooperation more urgent than in the area of small arms and light weapons, whose

proliferation and widespread use by non-State actors have contributed to the persistence of conflicts. By the adoption of the Convention on Small Arms and Light Weapons, Their Ammunition, and Other Related Materials last June, States members of the Economic Community of West African States demonstrated their resolve to combat the spread of those arms and weapons in our subregion. We invite other States Members of the United Nations to emulate that decision to enable us all to confront that scourge.

We should not allow the regrettable failure at the recent first United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects to agree on a final document, including a ban on arms supplies to non-State actors, to weaken our resolve in that regard. Instead, we should strengthen the capacities of State authorities and deny non-State actors the ready access to those weapons with which they have wrought so much destruction not only in Africa, but elsewhere in the world.

The Secretary-General's fourth consolidated report, in document A/61/212, as in past years provides useful insights on the progress made in the implementation of NEPAD and the challenges ahead. It is clear that a lot more needs to be done by all parties in support of Africa.

The commitment of African leaders to NEPAD is evident from the priority projects that our respective countries have initiated and are implementing consistent with the broad objectives of the Programme. Those projects cover areas as varied as infrastructure, information and communication technologies, health, education and agriculture.

However, our countries continue to face the dire shortage of resources commensurate with the scale of ambition and desire to transform Africa. Resources mobilized from all sources have fallen short of minimum targets on NEPAD priority projects, a situation to which the Secretary-General refers in one of his reports. Support for Africa must therefore transcend platitudes; it must be reflected in concrete assistance. Only thus shall we be able to maintain the momentum generated in recent years in support of the continent.

Nigeria has, on its part, adopted a comprehensive strategy for realizing its development objectives, integrating into the process the goals and targets of the Millennium Development Goals and NEPAD. The objective of the macroeconomic and political reforms introduced by President Olusegun Obasanjo since 1999 is to reposition Nigeria as one of the leading economies in the world. Our flagship development framework, the National Economic Empowerment Development Strategy, has been designed to mobilize our national resources, create self-sustaining economic growth that will translate into prosperity for our peoples, and thus bequeath to generations to come a strong, self-confident nation that can continue to be relied upon to play an important role in our region and the world at large.

The strategy is anchored on four key strategies: to reform the way Government and its institutions work, to develop the private sector as the driving force for growth, to implement a social charter, and to reorient the value system in Nigeria.

In 1999, there were 590 public enterprises spanning such areas as petroleum, mining, power, telecommunications, steel, transport and banking. Through a vigorous privatization programme, as reflected in the Public Enterprises Act of 1999, the Nigerian Government has divested itself of its shares in most of those ventures, which, in turn, are now better managed and have become more efficient.

Achieving food security is the spearhead of our poverty eradication programmes. We have therefore adopted policy measures to boost agricultural productivity, with emphasis on food production and preservation. Working with the Food and Agriculture Organization of the United Nations (FAO), we have dedicated a trust fund on food security, managed by the FAO, to boost our food reserves and availability to all Nigerians. In pursuit of our development goals, appropriate laws have been enacted and strong anti-corruption institutions created. We intend to reinforce that process by making those changes irreversible.

I should emphasize that good social, economic and political governance is the core of the new orientation in public management in Nigeria. That is the bedrock of the vision of NEPAD, whose optional African Peer Review Mechanism has been embraced by 25 countries, including Nigeria.

Nigeria is concerned that Africa is the only continent that is not on track to meet the Millennium Development Goals, particularly the goal of reducing poverty and hunger by half by the year 2015. While we are mindful of the support rendered by various partners, including the United Nations system, to African countries in the implementation of NEPAD, we should draw attention to the fact that the assistance so far provided falls short of Africa's overall needs. Many NEPAD programmes and projects are on hold for lack of resources to finance their implementation. A more positive assistance, provided in a timely manner, should therefore boost the efforts of Africa's leadership and Governments.

There are other measures that can facilitate Africa's development objectives. Those include market access for African goods and services, the removal of agricultural subsidies and other harmful barriers, an increase in official development assistance, foreign direct investment, and debt cancellation or relief. Clear action on each and every one of those issues would serve notice of the positive engagement of Africa's development partners with us in the campaign to reverse our economic fortunes and return the continent to the mainstream of global development.

It is equally desirable that the United Nations system not relent in its support for NEPAD. We call for the strengthening of its advocacy and coordination mechanisms for NEPAD beyond the funds, programmes and specialized agencies. Towards that end, the resource needs of the United Nations system should be kept under constant review so that stepped-up support for NEPAD programmes, especially in the area of capacity-building, technical assistance and transfer of knowledge and expertise, does not suffer. Nigeria believes that the acceleration of the implementation of the Bali Strategic Plan for Technology Support and Capacity-Building would be invaluable in that process. We also hope that the Chief Executives Board will continue to give adequate support to the Office of the Special Adviser on Africa to enable it to carry out its mandate.

I wish to recall that Nigeria warmly welcomed the Millennium Villages project when it was launched at the sixtieth session. We note with satisfaction that the project is now operational in 10 African countries, including Nigeria — a development that attests to how modest resources can make an enormous difference to the reduction of poverty in rural areas. We commend the United Nations Development Programme for incorporating the Millennium Villages project into its work and urge that the lessons learnt be taken into account in other quick-impact initiatives in developing countries.

Africa continues to pay a heavy price from the HIV/AIDS pandemic, further deepening the continent's development crisis. The resurgence of malaria, tuberculosis and other infectious diseases has stretched Africa's capacity to the limits. As most reports have shown, there has been a steady increase in recent years in the number of people living with HIV/AIDS in sub-Saharan Africa. To confront that disturbing situation, African leaders have expressed their political support for fighting HIV/AIDS, malaria, tuberculosis and other infectious diseases, and have embarked upon policies towards that end. For the second time in the past five years, Nigeria hosted in June 2006 a summit on HIV/AIDS, during which African leaders reaffirmed their Governments' commitment to allocating 15 per cent of their national budgets to the health sector. We hope that those efforts will continue to receive the generous and sustained support of the international community.

Success in promoting peace and sustaining social and economic development in Africa will require genuine partnership through international cooperation. Our respective commitments should be reflected not in pious declaration, but in concrete action. Africa would then emerge a very strong continent.

**Mr. Badji** (Senegal) (*spoke in French*): Senegal is grateful to the Secretary-General for having quickly accomplished the important job of making available to the General Assembly the relevant reports (A/61/212 and A/61/213), which clearly reveal the tremendous challenges that await us in our endeavours to give substance to the New Partnership for Africa's Development (NEPAD) and to implement sustainable peace in Africa.

My delegation fully concurs with the statement made earlier by the representative of South Africa on behalf of the Group of 77 and China and would like to make some additional comments.

NEPAD was created by African leaders as a result of the lack of success, or even the failure, of innumerable programmes and initiatives of past decades. It was then adopted by the international community as part of a resolute effort to match

development initiatives and peace efforts in Africa to the specific needs of the continent. That adoption presaged an improvement in the economic prospects of the African countries and provided a common response to the economic paradigm in Africa.

At the same time, while everyone seems to agree on the legitimate ambitions and the relevance of NEPAD, the existing reality causes us to be less than enthusiastic about the results. In fact, in spite of the encouraging signs presented appropriately in the report of the Secretary-General — and with which we are pleased — progress is still slow and the difficulties on the continent continue to weigh upon its future due to a lack of mobilization of international support — support that should be sizeable.

If, despite the efforts made, Africa continues to figure prominently on the international agenda, it is because the anticipated support from the international community has not risen to the level of declared expectations and ambitions. That means that humanitarian crises persist, that poverty and pandemics — especially HIV/AIDS — continue to spread and that the promises for increased assistance have not been kept. The debt burden remains unbearable; direct foreign investment is not what it should be; and access to Northern markets is obstructed by numerous tariff and non-tariff barriers.

If the international community truly wants to help Africa, that would involve, as the Secretary-General has said, keeping promises and making financial efforts. We welcome the relevant proposals in his report for fulfilling the contractual commitments made to Africa and for taking concrete steps and measures to strengthen the impetus for the implementation of NEPAD.

At the same time, the need for international support does not absolve each State of its primary responsibility to implement its own development. That is the philosophy upon which NEPAD is based. Therefore, we are pleased to note that a number of African countries have undertaken bold reforms as part of the transition to democracy and to good economic and political governance, and have made considerable progress in the areas of human rights and the rule of law. The adoption of the African Peer Review Mechanism is an eloquent illustration of that. At the same time, such progress should not divert us from another essential element of work — to which my country is totally committed — which is to continue our efforts to eliminate all conflicts completely, as that is the sole prerequisite by which we may, on an ongoing basis, remain committed to the path that leads to development.

In the report of the Secretary-General on the causes of conflict in Africa (A/61/213), poverty, inequality and poor governance are identified as the major causes of conflict situations on the continent. Thus, establishing conditions for stability and sustainable peace in Africa also means addressing the challenges of development and eradicating poverty, which often feeds conflicts.

At the same time, a careful analysis of the report allows us realize that the most serious threats involve power, in particular its acquisition and management, and the distribution of wealth. Thus, political and economic governance remains an important element in conflict prevention. It is vital to establish conditions for organizing free and transparent elections, which is the only way to ensure a fair distribution of power. Along those lines, Senegal is particularly pleased with the remarkable progress observed in a number of countries, such as Liberia, Sierra Leone, Burundi and the Democratic Republic of the Congo, and earnestly hopes the same momentum will be established in the neighbourly countries of the Côte d'Ivoire, the Sudan, Somalia and elsewhere.

We see in the establishment of the Peacebuilding Commission the hope for stronger cooperation and interaction, not only with the Security Council and the Economic and Social Council, but also with regional and subregional African mechanisms to promote stability, including the Peace and Security Council of the African Union and the African Peer Review Mechanism. The objective, therefore, is to comprehensively grasp the problems of conflict prevention and to provide the necessary assistance of the United Nations system in those peace efforts.

Along those lines, Senegal is also pleased with the decision of the Secretary-General to dispatch to the African Union an interdepartmental task force whose main task will be to elaborate a 10-year capacity-building plan to forge closer and more structured cooperation between the Security Council and the Peace and Security Council of the African Union, to improve rapid alert capabilities, develop competencies in mediation and the maintenance of peace, and to

assist in building capacities in political and electoral matters, governance, human rights, the rule of law, peacebuilding and humanitarian assistance. We impatiently await the conclusions of the task force.

By the same token, it is necessary for non-African States to strengthen their assistance to the African Union by making available appropriate resources and by providing the necessary assistance to meet the mandate of establishing and maintaining peace, which the African Union, up until now, has done its best to finance on its own.

In another area, the promotion of sustainable development in Africa remains, to a large extent, dependent on resolving health issues that affect the continent. Therefore, we believe it urgent to adopt an integrated approach in addressing public health problems such as malaria, which is both a cause and a consequence of poverty. Must it be repeated that this pandemic kills more than 1 million people in Africa every year, causes the loss of $12 billion in gross domestic product and is responsible for 40 per cent of public health expenditures? Some estimates attribute an annual growth deficit of almost 1.3 per cent to this scourge in African countries.

In order to tangibly reduce the prevalence of this illness, we need to do more to support African efforts through an even greater mobilization within The Global Fund to Fight AIDS, Tuberculosis and Malaria and in implementing quick impact projects called for in the 2005 World Summit.

In conclusion, I wish to restate that the global partnership for development, which you have made the theme of this session of the General Assembly, has in NEPAD a unique and effective framework for its implementation. My country hopes to see the system of the United Nations continue to do more to lend its invaluable support to NEPAD in the pursuit of its objective to catapult Africa into the ranks of developed and prosperous continents.

**Mrs. Mordoche** (Cuba) (*spoke in Spanish*): For some people in the world, Africa is still just a myth and a veritable mine of resources where they can earn huge profits without paying the high costs and catastrophic consequences that this centuries-long exploitation and plundering process has brought on the African peoples. This erroneous vision has prevented these countries from understanding and acquiring a true awareness of the hardships that this continent is undergoing today and of the need to pay off the incalculable historical debt that all of humanity owes to Africa.

Many of those who now express their concerns for the grave economic and social problems affecting the African countries have not been able to show a true political resolve to change this gloomy landscape and its structural causes. Now they think that lukewarm and meagre initiatives will solve the severe situation in the African countries and disguise the low level of fulfilment of the commitments that they have made. Their harsh reality has proved otherwise. Not only does Africa continue to be marginalized and totally disadvantaged in international economic relations, but its levels of poverty continue to grow at an alarming rate, along with surges of armed conflicts and the spread of diseases like AIDS that are decimating entire populations of the African continent.

The cause of this has been the economic and financial policies and the frenzied waves of privatization coming with the neo-liberal globalization process imposed by the developed countries. These countries have ensured the perpetuation of the precarious situation that plagues the African countries. It is not the weaknesses of African institutions that is to blame, as the developed countries want us to believe. A few figures will suffice to illustrate these points.

In the last 20 years, the imposition of trade liberalization has cost the African countries some $272 billion, an amount that would have been enough to pay off the continent's debt. Moreover, it has provoked a serious deterioration of the terms of trade and an increase of capital flight, which nowadays is the largest in the world in regional terms. With 11 per cent of the world's population and the largest natural reserves in the world, Africa contributes only 1 per cent of the world's gross domestic product (GDP) and its share of the world trade barely reaches 2 per cent.

However, the developed countries' commitment to a $50 billion increase in annual assistance by 2010 has not been fulfilled. The seeming increase in such assistance in the last few years has been mainly due to debt cancellation grants and emergency assistance. It is still far from the amount needed for the African countries to be able to achieve the Millennium Development Goals (MDGs). While some sources indicate that the flow of foreign direct investment increased in some African countries, there was a clear decrease in others and, moreover, most of the increase

was only concentrated in the area of the exploitation of natural resources.

It is high time for the international community, particularly the developed countries, to go beyond simply stating their concerns to implementing solutions and keeping their commitments.

For Cuba, Africa is very close to our hearts; it is part and parcel of what we are. It informs our identity and culture; a great part of the Cuban population's roots are in Africa. More than a million Africans were taken to Cuba by force, after being pulled from their homelands — coming from different ethnic groups such as the Yoruba, Congo, Carabali and others. They worked under the whip in the hell of the sugar plantations for the benefit of the island's landowners and the colonial metropole.

The uprisings and escapes of the slaves from oppression nurtured our vocation for liberty. Our independence wars had the mass participation of African descendants, who gave us brilliant leaders of our liberation army.

The Cuban nation was born out of the particularly fertile mix of African, European and Chinese blood, and was born proclaiming the pride for its African roots and the emancipation of its children of African origin.

Since the very year of its triumph, the revolution offered and continues to offer its support of and solidarity with the African peoples on the basis of the consistent practice of internationalism and solidarity with the peoples of the world, a guiding principle of our foreign policy.

Despite being a country with scarce resources and subject for over four decades to a cruel and genocidal economic, financial and commercial blockade by the Government of the United States, Cuba has trained more than 30,000 African students and 1,661 young people from 43 African countries are currently studying in our universities — 708 of them studying medicine. More than 2,433 Cuban overseas workers provide their selfless services in 33 African countries — of those, 1,893 are working in the area of health care.

As a result of our comprehensive health care delivery programme, our doctors have saved the lives of more than 729,000 Africans. A literacy campaign is currently being implemented in several African countries to help tackle the critical situation of illiteracy that this continent suffers from. Our cooperation with the African countries proves that significant results can be achieved with serious political will. Cuba has taken from Africa only the mortal remains of its dead. Cuba has no property there, no mines and no oil wells. We reaffirm our determination to continue providing selfless aid to our African brothers and sisters and sharing our main wealth: human capital. Africans do not need to be reminded of their problems and suffering. They do not need charity. Africa does require resources and concrete action. Let us act jointly. Let us save Africa.

**Mr. Kodera** (Japan): First, my delegation would like to touch on agenda item 62(b), on the causes of conflict in Africa, and then on agenda item 48, on the Decade to Roll Back Malaria. We thank the Secretary-General for his two comprehensive reports on agenda item 62 and for the report of his Advisory Panel on International Support for the New Partnership for Africa's Development (NEPAD). Japan is glad to see that progress has been made in implementing of NEPAD, in generating international commitment to NEPAD, and in improving the prospects for peace in many countries.

At the Third Tokyo International Conference on African Development (TICAD III) in 2003, the Government of Japan announced that it would support NEPAD through an enhanced TICAD process. Japan will continue to do so, as it proceeds with preparations for TICAD IV in 2008. As part of that process, a Japan-NEPAD policy dialogue was held in Japan in March 2006. To contribute to even more effective implementation of NEPAD, Japan identified four out of the eight priorities in the programme of action as being in need of immediate support. They are: infrastructure; agriculture; improving market access through the promotion of trade, investment and private sector development; and developing human resources through support for education and public health.

A recent development in the concrete support Japan provides to NEPAD is Japan's decision to extend assistance to the Mali-Senegal South Corridor, which is one of the short-term action plan projects. In terms of trade and investment, Japan will convene the Africa-Asia Business Forum IV (AABF IV) in 2007 in close collaboration with United Nations agencies, in the belief that promotion of trade and investment is key to sustainable economic development. Foreign direct investment tends to favour North Africa, however, and

the rest of the continent needs more attention. Japan hopes that the coming Forum will help invigorate business interaction between Asia and Africa.

Almost half of all post-conflict countries have tended to relapse into conflict within several years when they are outside the focus of the world's attention. Ensuring consolidation of peace is one of the main items on the TICAD agenda. Japan and other conference organizers convened the TICAD Conference on the Consolidation of Peace in Ethiopia in February 2006. At that conference, Japan expressed its view that security, political governance and transition, community reconstruction and socio-economic development should be addressed in a comprehensive and well-coordinated manner.

We are now observing the fifth anniversary of NEPAD, whose implementation will go into full swing as we move towards 2010. Based on the commitments made by the G8 members and other donors in 2005, total official development assistance (ODA) to Africa is expected to amount to $25 billion annually in real terms between 2004 and 2010. Effective use must be made of this increase in ODA in order to achieve the Millennium Development Goals in Africa and promote NEPAD. At the same time, however, we believe that projects should be appropriately aligned with each African country's national development strategy or poverty reduction strategy paper to ensure good coordination with other development partners.

Allow me to turn to agenda item 48, on the Decade to Roll Back Malaria. This is the year we conduct a mid-term review of the Roll Back Malaria 2005-2010 campaign. Although effective tools and key substances to control malaria exist, we all know that the disease remains a major worldwide health problem. The Secretary-General's report makes it clear what United Nations agencies, Governments and the private sector have failed to do and which activities need to be improved. Special emphasis is placed on the need to increase the availability of key inputs such as long-lasting insecticide-treated nets and artemisinian-combination therapies.

To expand access to preventive measures, Japan will support distribution of 10 million treated nets to African countries by 2007, in particular targeting pregnant women and children. At the same time, a Japanese company in the private sector, in cooperation with the Government of Tanzania, established a factory in that country to produce a reliable supply of affordable insecticide-treated nets. Also, Japan has been one of the major contributors to the Global Fund to Fight AIDS, Tuberculosis and Malaria.

In order to achieve effective and sustainable strategies to combat malaria and other diseases, we must not rely on fragmented approaches, but must instead work to establish national health systems. We believe that capacity-building in the public health sector is essential in this regard. Also, the international assistance given to developing countries hardest hit by malaria, especially those in Africa, needs to be strengthened in order to ensure universal access to health services. Japan intends to continue to work with the international community to achieve our common goal of controlling malaria.

*The meeting rose at 1.10 p.m.*